



Right to Compensation for Improvements

Housing (Scotland) Act 2001



SCOTTISH EXECUTIVE

Making it work together

Important

This leaflet is only a general guide. It is not a complete statement of the law. If you want to know more about your rights, you should get advice from a solicitor or your local Citizens' Advice Bureau. Your landlord may also be able to help you. **If you make a false claim or claim for more than the real amount, your landlord can take you to court.**

What is the right to compensation for improvements?

Under the Housing (Scotland) Act 2001, Scottish secure tenants and short Scottish secure tenants may be able to receive compensation from their landlord for improvements which they have made to their home on or after 30 September 2002. For you to qualify for this compensation:

- your landlord must have approved the improvement; and
- your tenancy must have ended.

You can apply for compensation when you know your tenancy is coming to an end. We recommend you let your landlord know about this as early as possible. You can also apply if your tenancy comes to an end because your house or flat is being transferred to a new landlord.

If you were a secure tenant and carried out improvements to your home before 30 September 2002, you will continue to have rights to compensation under the old scheme. Ask your landlord about this.

If you are a tenant of Scottish Homes you too will continue to have rights under the old scheme.

Who gets compensation?

If you are a Scottish secure tenant or short Scottish secure tenant (a tenant of a local authority or housing association, including tenants who are members of fully mutual co-operative housing associations, and water and sewerage authorities) you may be able to get compensation for any approved improvements to your house or flat.

If your tenancy ends because you have died, or in other special circumstances, compensation can still be claimed. If you have succeeded to your tenancy (taken it over from a tenant who has died), your landlord will be able to tell you if you qualify for compensation.

You will not receive compensation if you buy your house or flat under the Right to Buy scheme. And you will not receive compensation if your home is being repossessed by your landlord or if you are being given a new tenancy for your existing home with the same landlord.

Do I need permission to make improvements?

You must get written permission from your landlord before you make any improvements. If your landlord refuses permission, you have the right of appeal to the Sheriff Court. But remember that you can only receive compensation if your landlord has agreed to the improvements.

What kind of improvements can I get compensation for?

You can only get compensation for certain improvements which were started on or after 30 September 2002. These include installing, replacing or fitting:

- a bath or shower;
- cavity wall insulation;
- sound insulation;
- double glazing, replacing external windows or fitting secondary glazing;
- draught-proofing external doors or windows;
- pipes, water tanks or cylinders;
- a kitchen sink;
- loft insulation;
- rewiring, providing power or lighting, or adding other electrical fixtures (including smoke detectors);
- security measures other than burglar alarms;
- space or water heating;
- storage cupboards in a bathroom or kitchen;
- thermostatic radiator valves;
- a wash-hand basin;
- a toilet;
- a work surface for preparing food; and
- mechanical ventilation in bathrooms and kitchens.

Decorating the inside of your home does not qualify for compensation.

How do I get compensation?

You must make a claim in writing to your landlord within the period starting 28 days before and ending 21 days after your tenancy comes to an end. If in doubt, ask your landlord how to claim.

Your landlord will need to know:

- your name and address;
- what improvements you have made;
- how much each improvement cost; and
- the date the improvements were started and finished.

Your landlord may also want to inspect the improvements.

How much can I get?

You can receive up to £4,000 for each improvement. But you will not receive any compensation for an improvement if the amount of compensation would be less than £100.

How does my landlord work out my compensation?

Your landlord will start with the cost of the improvements and may ask you to provide proof of the amount you have spent. It is a good idea to keep a copy of any bills in a safe place and you may want to send a copy to your landlord when the work has been done.



If you had financial help such as a grant to help make your improvements, your landlord will take the amount of this grant from the cost of your improvements.



The value of any improvement you have made falls as the improvement gets older and as you get use out of it. The compensation you get will take the age of your improvement into account.



Your landlord may also reduce your compensation if they believe you paid too much for the improvement or the quality is higher than it would have been if they had done it.



Your landlord may also increase or reduce your compensation depending on the condition of the improvement when your tenancy ends.



Your landlord can also take any money you owe from the compensation you are entitled to (for example, for unpaid rent).



What can I claim compensation for?

You can claim compensation for:

- the cost of materials (but not appliances such as cookers or fridges); and
- labour costs (but not your own labour).



You will usually need to give your landlord an invoice to show how much your improvements cost. If you have not got an invoice, tell your landlord straight away and give them a rough idea of the total cost.



What if I don't agree with my landlord's decision on my claim?

You can ask your landlord to reconsider their decision within 28 days of giving it to you. They must then have their decision reviewed by:

- an independent valuer or surveyor of their choice;
- any of their members, committee members or board members who were not involved in making the original decision; or
- all of their members, committee members or board members.

How can I find out more?

Contact your landlord or the Scottish Executive Development Department at:

Housing 2:3
Area 1-G
Victoria Quay
Edinburgh
EH6 6QQ

E.mail: housing.information@scotland.gsi.gov.uk
Phone: 0131 244 2105

Alternative formats and community language versions of this leaflet are available on request from the Scottish Executive, Housing 2:3, Area 1-G, Victoria Quay, Edinburgh EH6 6QQ Tel: 0131 244 2105. The leaflet can also be viewed on the Scottish Executive website at www.scotland.gov.uk

Tha cumaidhean atharraichte agus dreachan den bhileag seo ann an cànanan coimhearsnachd ri fhaighinn le iarrtas bho Riaghaltas na h-Alba, Taigheadas 2:3, Roinn 1-G, Cidhe Bhictoria, Dùn Èideann EH6 6QQ Fòn: 0131 244 2105. Faodar a' bhileag fhaicinn cuideachd air làrach-lìn Riaghaltas na h-Alba aig www.scotland.gov.uk

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如果需要本手冊的其他形式或語言版本，請向蘇格蘭行政院索取，位址是：Scottish Executive, Housing 2:3, Area 1-G, Victoria Quay, Edinburgh EH6 6QQ；電話：0131 244 2105。也可以到蘇格蘭行政院的網站上瀏覽本手冊：www.scotland.gov.uk

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