



Right to Compensation for Improvements

September 2005

Right to Compensation for Improvements

Housing (Scotland) Act 2001

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. Trust may also be able to help you. **If you make a false claim or claim for more than the real amount, Trust 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 that they have made to their home on or after 30 September 2002. For you to qualify for this compensation:

- Trust 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 us know about this as early as possible. **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. Please ask us about this.**

Who gets compensation?

If you are a Scottish secure tenant or short Scottish secure tenant 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 by your Estate. If you have succeeded to your tenancy (taken it over from a tenant who has died), Trust 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. Nor you will receive compensation if your home is being repossessed by Trust or if you are being given a new tenancy for your existing home with Trust.

Do I need permission to make improvements?

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

What kind of improvements can I get compensation for?

You can only get compensation for certain improvements that 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 Trust within the period starting 28 days before and ending 21 days after your tenancy comes to an end. If in doubt, ask us how to claim.

We 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.

We 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 Trust work out my compensation?

We 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 us when the work has been done.

If you had financial help such as a grant to help make your improvements, we 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. The calculation we use is determined by the legislation, and specifically Scottish Statutory Instrument 2002 No 312.

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

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

We 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 Trust an invoice to show how much your improvements cost. If you have not got an invoice, tell us straight away and give us a rough idea of the total cost.

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

You can ask us to reconsider our decision within 28 days of giving it to you. We must then have our decision reviewed by:

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

How can I find out more?

You should contact the Property Services department of your nearest Trust Office for further information and advice.

Notes





This information is available in Braille, tape, large print and community languages. To request a copy please contact 0131-444 1200

تتوفر هذه المعلومات بلغة بريل للعميان وعلى شريط سمعي وبخط كبير وبلغات الجاليات العرقية. لطلب نسخة الرجاء الاتصال برقم الهاتف 0131-444 1200

यह जानकारी ब्रेल, टेप, बड़े अक्षरों और समुदायों की भाषाओं में उपलब्ध है। इस की नकल (कापी) के निवेदन के लिए कृपया कर इस नंबर 0131-444 1200 पर फोन करें।

此資訊具備有盲人點字、錄音帶、大字體以及各種社區語言版本，如欲索取，請致電 0131-444 1200

یہ معلومات بریل (نایما افراد کے لیے ابھرے ہوئے حروف کی لکھائی) میں، ٹیپ، بڑے حروف کی لکھائی میں اور کیوٹیٹی کی زبانوں میں بھی دستیاب ہے۔ اُنکی نقل حاصل کرنے کے لیے برائے مہربانی 0131-444 1200 پر رابطہ کریں۔

ਇਹ ਜਾਣਕਾਰੀ ਬ੍ਰੇਲ, ਟੇਪ, ਵੱਡੇ ਪਿੰਟ ਅਤੇ ਭਾਈਚਾਰੇ ਦੀਆਂ ਭਾਸ਼ਾਵਾਂ ਵਿਚ ਉਪਲਬਧ ਹੈ। ਇਸਦੀ ਨਕਲ (ਕਾਪੀ) ਦੀ ਬੇਨਤੀ ਵਾਸਤੇ ਕਿਰਪਾ ਕਰਕੇ ਇਸ ਨੰਬਰ 0131-444 1200 'ਤੇ ਸੰਪਰਕ ਕਰੋ।

এই তথ্যগুলি ব্রেইল, টেপ, বড় হরফ ও অন্যান্য ভাষায় পাওয়া যাবে। কপির জন্য অনুরোধ করতে হলে দয়া করে 0131-444 1200 নম্বরে যোগাযোগ করবেন।

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