

PE1447/E

Responses to feedback to petition PE1447, by Gerry Mclellan

Whilst I am aware of the need to provide shelter for the poor and homeless, as suggested by 'Shelter', and it has come to light on many occasions that people are treated badly by landlords, this matter is irrelevant to the point that I am trying to make. I am also pleased to see that the other responses seem to endorse my views.

I rent my properties through a solicitor and I maintain the properties to an adequate standard. I regularly decorate the properties and have roofs, heaters and other appliances repaired or replaced when required to do so. In addition, I have bought new carpets and kitchens when needed.

It seems to me that the law always favours the destitute or those that would have us believe they are down on their luck, and these days too many people are in a position to take advantage of these laws -- with the exception of the landlords. I have seen photos on Facebook taken by my tenants sitting in pubs drinking alcohol whilst insisting that they are too broke to pay rent.

In my case, I have had tenants frequently stay in properties for months without paying anything. I still have to work to pay the bank for the mortgage.

Also, I recently paid a court officer to serve papers to evict a couple, both of whom were engaged in full-time employment. I later paid a lawyer to take them to court where they were found guilty and ordered to pay the arrears in rent. I then had to pay a court officer again to serve the papers informing them of the verdict; they hadn't attended the hearing.

I still haven't seen any money. I now feel that the system has let me down as, in addition to being robbed by the tenants, I have now paid lawyers, judges and court officers to run around with little pieces of paper. I have, in effect, been robbed twice. What purpose does it serve to have a legal process which does little more than waste more of a landlord's time and money? The Scottish Association of Landlords seems to share this view, as do the other respondents.

I understand that it is difficult to please everyone and I merely ask that some consideration be given to landlords to make the process of getting rent easier.

I'm sure that tenants in government rental accommodation have to pay their rents on time. I would ask that private landlords be afforded the same courtesy.

We all know that the system is abused by so many. Make people pay for what they have stolen. If they took money from my wallet, they would undoubtedly go to prison. However, the very same people are permitted to steal £400.00 from me on a monthly basis for months on end and nothing is done. Even when I ask for the assistance of the legal system I end up paying more money, and still nothing is done. If asked the question, "Would you ever consider throwing £900.00 down the toilet?" I'm sure the majority of people would answer with a resounding, "No!" However, since I spent this amount on lawyers and court officers to bring my case to court and to serve papers, I would now answer in the affirmative. At the very least, had I ripped up the bank notes and used them in the toilet, I could have saved a little money on toilet paper. Furthermore, I could have bought a lifetime's supply of toilet paper and donated the remainder of the money to a charity. As it stands, I have frittered away all of this money on a legal system which has done nothing more than inform the perpetrators that they are, indeed, guilty. They are still permitted to walk the streets as free men, despite robbing me of a lot of money. They are allowed to rent another flat and then refuse to pay the landlord. It turns out that this particular couple were responsible for committing the same act on their previous landlord. Common sense dictates that there is something intrinsically wrong with the system as it stands. At the end of the day, I lose more money, my children lose out on holidays, education or presents; and lawyers, tenants and court officers get a good laugh. The couple are free to find another property and steal again from another unsuspecting soul. My solicitor informs me that they have left Dumfries. I can see from their Facebook page that they are now living in Edinburgh. They are now free to steal from another landlord and, if he tries to go get his money back through the courts, he will be further out of pocket.

In a more recent case, I was given notice by ASBO that I either took 'Robust action' against tenants who were disturbing the peace, or face losing my licence to be a landlord. The ASBO officers seem to be of the opinion that I personally am to be held responsible for the actions of all my tenants. This is despite the fact that they present with letters of reference and fulfil all criteria asked for by my solicitor. I have no way of ascertaining their true character. I live in Japan and rely solely on the advice of my solicitor. Furthermore, I believe that parents, education, friends, police, and society as a whole should be burdened with at least a modicum of responsibility. I am willing to accept some, but, as previously mentioned, I am not their mother. I also questioned the vagueness of the letter from ASBO. 'What?' I asked is, 'robust action.'

I informed them of all the procedures I had taken and requested clarification on the exact meaning of 'robust action.'

'Did it involve asking some rather nasty characters to remove the tenants by physical means?'

I would suggest that letters should be written in concise language and all forms of wishy-washy prose be removed. Clear pointers should be given on what a landlord can and cannot do. In my opinion, I have taken a 'robust' course of action in order to see that justice is served.

In the more recent case, I was informed that the tenants had invited some friends round to have a party and that the noise level was above accepted levels. The police were called and the tenants promised to behave in future. I was informed of this and chose to take no further action. I was chastised for this by ASBO. However, I would suggest that as I have to pay to have papers served to have tenants evicted, this course of action should rest with ASBO and not with me. Again, I live far away and have no real way of ascertaining the impact of the tenants' actions on the neighbours.

I suggest that if the police have to be called out to a property three times, then the tenants be removed automatically. This is akin to the three strikes rule in the US and it takes the responsibility out of the hands of the landlords. Tenants should then have a clear indication of the types of behaviours which constitute unruly behaviour. Failure to pay rent three times in a row should also be seen as a condition for instant removal. Tenants then know where they stand. This would prevent people from going through what I have. It would also free the court's time and save money for the country. It is common sense that whenever someone enters into a contract, the terms should be binding and failure to comply with any of the terms should result in the landlord being able to terminate the contract and find another tenant.

I further suggest that people who refuse to pay rent and choose to remain in the flat cost-free be named and shamed; that a nationwide computer base be set up so that rent dodgers cannot simply move from one property to another without a care in the world. A system should be set up whereby landlords can evict dodgers and get access to money which is rightfully theirs. Tenants who refuse to pay should have money taken from their unemployment benefit in order to make good any arrears, or they should have to do some kind of community service because, after all, they are committing a crime by refusing to pay for a service. They are not permitted to walk into a shop, order a meal and then refuse to pay. Why then is it deemed permissible for them to walk into another person's property and stay there for months without paying? It simply

doesn't make sense. I'm sure that bleeding heart liberals will preach ad nauseam about the rights of the poor victims who are at the mercy of slumlords. I suggest that if a landlord can provide evidence that their properties are maintained to a certain standard, then the tenant has no excuse whatsoever for not paying their rent. When they enter into an agreement it should be binding, and punishment of some sort should be administered to those who break the terms of the contract.

I only ask that some kind of proper justice is reached and that those who break the law and are found guilty and are simply not permitted to snub the verdict and continue to commit the same act on another person. At the very least, I suggest that landlords be made aware that spending a lot of money on lawyers and court officers in an attempt to get what is rightfully theirs is a complete waste of time. They will only lose more money and prolong their suffering. As mentioned, I have thrown close to £1,000.00 away on fees for solicitors and court officers. People that break the law should be sent to prison. I remember a case a couple of years ago when a man was sent to jail for scuba diving in lakes and ponds on golf courses for lost golf balls. It is incredulous to think that someone is imprisoned for showing some ingenuity in trying to make some money for himself and his family during times of economic hardship; yet thieves who blatantly steal from others and claim every benefit going, show complete contempt for the law and for the consequences of their actions on others are permitted to not only walk free, but to continue their lives of crime. Action has to be taken to prevent these social parasites from reaping the rewards gleaned from the hard work of others.

I understand that it is difficult to bring new laws into effect, but I hope that you will be able to at least improve upon matters as they currently stand.

Thank you for your time

Gerry Mclellan