



**MARTIN&CO**

# Guide to Letting **Your Property** in Scotland





# Welcome to Martin & Co

We are the property professionals, a national network of independently owned property agents. Each of these businesses has been built with pride, on personal service, local knowledge and investment expertise.

With over 30 years of experience in residential lettings across the UK, we are the lettings experts. We manage more than 41,000 properties across our network\* and let nearly 450 new properties every week.

This is why we are best placed to advise you on the lettings market in general and in your local area specifically, provide the management services best

suited to your requirements, and make sure your investment is working for you.

Our full property management service gives our landlords true peace of mind, and we'll work with you every step of the way and navigate you through the complex journey of letting your property.

\*February 2020.



# Why choose Martin & Co?

At Martin & Co, we have been building a lettings and property management pedigree since 1986. Our dedicated lettings experts are highly experienced and are often landlords themselves.

We are about real people with the integrity and commitment to do the right thing for you. We listen and understand what's important to you, and we always keep you informed. Today this can even be in real time, 24/7, via our 'My Property File' app.

Whether you're a private landlord letting your own home, a first-time investor or a professional landlord with a large property portfolio, we have a service to suit your needs. Our agents will advise you on the best way to present your property and find you trustworthy tenants.

We work hard to let your property quickly and minimise void periods by promoting it online and through

traditional marketing channels, giving your property the exposure it deserves.

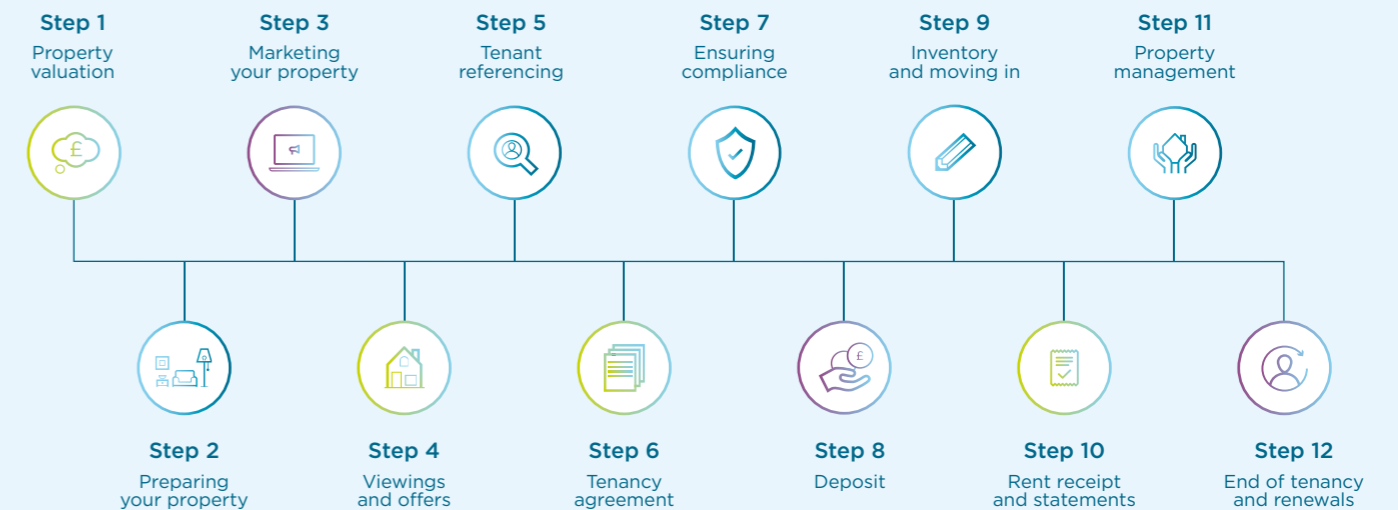
We'll give you professional guidance regarding legal and safety requirements. With our robust approach to compliance and lettings legislation, we ensure that your largest investment is in a safe pair of hands.

All our branches offer a complete landlord service, providing state-of-the-art tenant background checks. Many offices can offer rental income protection and the comfort of knowing there will be no legal bills\*.

We offer access to government approved tenancy deposit schemes and client money protection insurance, and make utility switching hassle-free. With straightforward and transparent fees, you have the clarity to make informed decisions. Whatever the situation, we are here and happy to help.

\*Terms & Conditions apply.

# Letting your property with Martin & Co



# Getting started

The first step is to meet with a representative from our lettings department. We'll be able to make recommendations to maximise the letting potential of your property and advise on the optimum rental value.

We can advise on the kind of tenants that will suit your property. This service is provided free of charge and without obligation.





## Things to consider



### Financial considerations

Phased changes from April 2017 until April 2020 mean residential landlords can no longer fully claim tax relief on their mortgage interest payments.

Under this legislation, rather than fully deducting their mortgage interest on top of allowable expenses in order to calculate their taxable rental income, landlords will only be able to claim tax relief at the basic 20% rate on whichever is the lowest figure from finance costs (including mortgage interest), rental income profit (less allowable expenses) or total income.



### Pets or no pets?

Many pet owners experience difficulty in finding accommodation that accepts pets. Some properties will simply not be suitable for pets, and sometimes landlords may feel that the potential problems that pets can cause are not worth the risk.

Landlords who do allow pets will typically find that it's considerably easier to fill their properties, as well as achieve higher rents. They also find that once in, tenants tend to stay for longer periods of time.

If you decide to allow pets, make sure there are no restrictions, especially if it's a leasehold property, and consider what type of pets you will allow. Your local Martin & Co team will be able to provide further advice, based on your individual circumstances, and ensure adequate provisions are in place.



### Furnished or unfurnished?

If you choose to let your property furnished, it will need to be fully equipped, so that tenants can move in with only personal belongings. Generally, furnished properties tend to attract shorter term tenancies. Anything included by you will be your responsibility to repair or replace.

Unfurnished accommodation should include the basics - carpets, curtains, basic kitchen appliances. We particularly recommend this option for first-time landlords.

Tax considerations may affect your decision to furnish your property or leave it unfurnished, as landlords only get tax relief for the cost of directly replacing furniture, furnishings and appliances. This tax relief replaced the traditional "wear and tear" allowance which in the past gave tax relief proportionate to the rental income.

## First impressions count

Tenants today are sophisticated, and look for a rental property that reflects their lifestyle. To achieve a competitive rent and ensure your property is let quickly to a preferred tenant, remember that first impressions count.

### Tips to consider when preparing your property for viewings:

- ✓ Keep colours neutral.
- ✓ Kitchens and bathrooms should be well equipped.
- ✓ Less is more in terms of decoration.
- ✓ Rooms should be light and bright.
- ✓ Where possible, use earth tones on floors.
- ✓ Gardens should be neat and tidy.
- ✓ Contemporary lighting is particularly important in modern apartments.
- ✓ Everything should be sparkling clean, including the windows.

### There are also practical considerations, including:

- ✓ Windows and doors need to be secure and in good working order.
- ✓ Roofs should have no broken tiles.
- ✓ Outside patios, walls, fences and paved areas should be well maintained.
- ✓ The heating system needs to be functioning properly.
- ✓ Stairs and rails should be secure and safe.
- ✓ Seals around showers, sinks and baths should be in good repair and drainage fully functioning.
- ✓ Electrical appliances should be PAT tested and compliant with current electrical safety regulations, and an Electrical Installation Condition Report (EICR) provided.
- ✓ Gas appliances, fittings and flues need to have a yearly Gas Safety Check.
- ✓ Smoke alarms must be fitted on each floor of the property.
- ✓ Carbon Monoxide detectors must be fitted in rooms where there is a solid fuel burning appliance.
- ✓ Window blinds must comply with relevant safety regulations.
- ✓ The risk of exposure to Legionella in water systems must be properly controlled.



## Next steps

Prior to taking your instructions, we must confirm the identity of all owners and obtain proof of ownership of the property or authority to let. When we receive your instructions and signed Terms of Business, we'll visit the property to take internal and external photographs. Additionally, we can also produce virtual tours and even industry leading 3D cutaway virtual presentations of your property.

We'll finalise your tenant requirements with you, so that we can match your property to the potential tenants we have on our database.

Our multiple office network gives us a real advantage, as we have access to a large number of potential tenants – we have got Scotland covered.

Whether it's through existing contacts or from advertising enquiries, we aim to find the right tenant to suit both you and your property.

To protect your investment and show the property to its best advantage, all potential tenants are accompanied during viewings by a Martin & Co member of staff, who will be familiar with the property and able to deal with any questions a prospective tenant may want to ask.

## Promoting your property

We recognise that the majority of tenants start their search for a property online, and that is why we made a serious investment in online technology for promoting property.

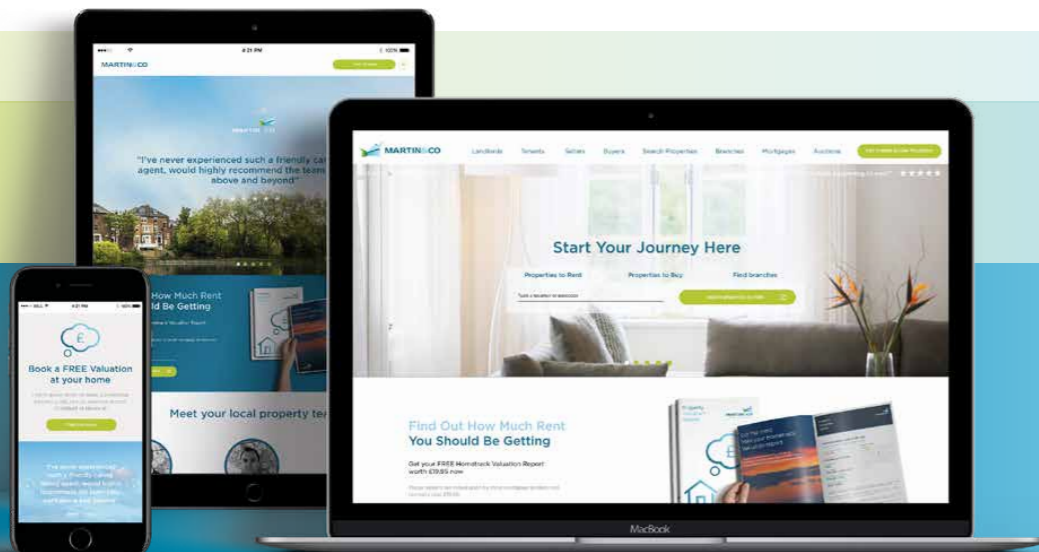
Martin & Co's website uses cutting edge technology and links directly to the UK's largest property portals. It is optimised to present properties exceptionally well on mobile, tablet and desktop devices, and allows potential tenants to enquire about properties 24/7 using our Live Chat\*.

Our website achieves around 250,000 views per month, the majority of which come from new visitors – another great way of demonstrating how our brand power attracts new people to search out our rental properties every day.

Martin & Co communicates with potential tenants across social media platforms, such as Twitter, Facebook and Instagram, to ensure your property gets the maximum exposure.

On top of that, we'll proactively notify potential tenants on our database as soon as we take on your property. We will also prepare professional property listings and brochures, as well as display a 'To Let' board to attract maximum attention.

\*At participating branches.



## Comprehensive tenant referencing

Once a tenant has been found, references are taken up by one of the UK's leading independent referencing agencies.

For those clients seeking maximum peace of mind, on both our Essential Managed and our Premium Managed\* services we'll obtain a comprehensive reference, which (subject to an 'Accept' result) will enable the landlord to obtain the benefit of substantial legal protection insurance cover as well as rent protection insurance cover. These benefits are both core elements of our Premium Managed Service, provided inclusive of our monthly management commission.

Our comprehensive tenant referencing includes:

Previous Landlord Reference, to check if the applicant paid their rent in former tenancies. ✓

Tenant Risk Score, which measures the likelihood of the tenant defaulting on rent. ✓

Eviction Service, if your tenant doesn't pay their rent, lawyers will take the required action\*. ✓

Affordability Check, to check if the tenant can afford to pay their rent. ✓

Tenant Credit Monitoring, so we can take regular snapshots of a tenant's financial situation\*. ✓

References are used to provide verification of the information supplied by the tenants. The agency will verify the tenant's identification and that each tenant is credit worthy by checking for previous decrees or payment orders and arrears, as well as obtaining employer and landlord references. Once references have been received, we'll contact you to confirm the result and a moving-in date.

\*At participating branches. Subject to Terms and Conditions and the required insurance cover being in place.





# Start of tenancy

## Tenancy agreement

Martin & Co use an approved tenancy agreement which has been carefully designed to protect the landlord's rights to possession, help control the tenant's activities and comply with standard mortgage lender requirements.

The Private Housing (Tenancies) (Scotland) Act 2016 commenced on 1 December 2017 and introduced a new type of tenancy – the Private Residential Tenancy (PRT). From that date, almost all tenancies for private individuals will be a PRT, which are without a fixed end date. There are some very limited exceptions to this, so please ask us for specific advice.

The Scottish Government say the purpose of the PRT regime is to improve security, stability and predictability for tenants and provide safeguards for landlords, lenders and investors.

New PRT tenants must be given written terms of their tenancy agreement and the appropriate statutory accompanying notes before the end of the day on which the tenancy commences. These new tenancies will last until a tenant wishes to leave the let property. Tenants are required to give at least 28 days' notice and if there are joint tenants, all tenants will be required to give notice to end the lease.

Landlords rely on one (or more) of 18 grounds for recovery of possession. Common needs such as a Landlord wanting to sell the property or needing to move back in themselves are mandatory grounds for possession.

N.B. Currently, and for the duration of the Scottish Government's measures during the Coronavirus pandemic, all grounds are discretionary. Please ask us for specific and current advice.

Tenancies existing before the advent of the PRT can remain a Short Assured Tenancy (SAT) or Assured Tenancy, subject to the appropriate renewal process. Our offices can give specific advice where this is appropriate.

The law on these matters is very complicated, so obtaining the correct advice is vital. Please ask us for advice specific to your individual needs and circumstances.

## Taking note

Whether you are letting your property furnished or unfurnished, an inventory/schedule of condition is essential. Where appropriate to the service level we are providing or when you have instructed us separately, we arrange for this to be done using local independent inventory companies or our own skilled staff.

At the end of a tenancy the property is checked against the inventory and any damage or deterioration is noted. The tenant will be responsible for the cost of rectifying any damage, and anything over and above what is considered fair wear and tear.

It is necessary to provide a properly prepared and accurate inventory/schedule of condition to protect the landlord's interests. In the event of any dispute, a properly prepared inventory is vitally important.

# Tenancy deposit scheme in Scotland

## Deposit protection

All deposits must be registered with a Scheme approved by the Scottish Government, of which there are currently three: MyDeposits Scotland, Safe Deposits Scotland and the Letting Protection Service Scotland.

Deposits must be lodged within 30 working days of the tenancy commencing, or where a deposit is paid in instalments, within 30 working days of each instalment being received. We will deal with lodging deposits on our Landlord's behalf in accordance with our Terms of Business. Tenants must also be given certain information in respect of their deposit within those same timescales.

At the end of a tenancy the landlord and tenant attempt to agree the basis for repayment of the deposit. In the event of a dispute, the case is sent to the respective scheme for their adjudication. We can either deal with this process or can assist clients where necessary, in accordance with the terms of our appointment.

## Receiving initial monies

Prior to the start of the tenancy agreement we take the initial rental payment and the security deposit. The level of deposit is generally the equivalent of 4 to 6 weeks' rent. The maximum rent which can be paid in advance is 6 months' and the maximum deposit on a PRT is capped at two months' rent. Once the tenancy has started, we will take the required steps to register the deposit and to account to the landlord with a detailed statement.

We ensure funds are cleared before the tenant is allowed to move in and a payment method is agreed and in place for the ongoing rent.



# Property management expertise

At Martin & Co, we provide property management services to suit all types of landlords. Our qualified team boasts extensive experience in rental property management and is able to offer you professional advice at all times.

## Our full management services

If you have either our Essential or Premium Managed service, we'll commit to regular inspection visits during the tenancy or virtual inspections where appropriate. We can also assist with extending existing SAT tenancies or in ending a tenancy in accordance with the statutory grounds.

Depending upon the service level we are providing, we will also review your rent annually and will seek to negotiate increases with a tenant. We will serve notice to implement rent increases on your tenant in accordance with the relevant legislation if you instruct us to do so.

In cases where you seek to end a tenancy, we can advise and / or prepare and serve the appropriate

notice or can instruct a solicitor on your behalf to do this work. For existing Short Assured Tenancies (SAT) and Assured Tenancies, if notice is not served on the tenant, the tenancy agreement can automatically continue on a periodic basis, though we would normally advise you to renew the tenancy for a further fixed term, keeping you within your current tenancy basis. We can arrange such tenancies renewals if you instruct us to do so. This is a very complex area of law and we advise you to seek our specific advice where appropriate.

Private Residential Tenancies do not have an end date and will continue indefinitely until ended by either the landlord giving a Notice to Leave or by the tenant giving their notice.

## Essential Managed Service



Our Essential Managed service delivers peace of mind from the time your property is first marketed until the deposit is returned.

We'll provide expert support to meet your legal and safety obligations as a landlord and handle all routine tenancy matters. We commit to regular visits during the tenancy or virtual inspections where appropriate, and will look after your property including maintenance and repairs. We work with proven contractors and reputable tradespeople ensuring prompt service at a reasonable cost, or use your own contractors when requested.

Our accounts team will ensure that your tenant's rental payments are passed on to you quickly. We will provide you with monthly statements of rental income and expenditure to ensure you have full information for tax purposes. We'll also conduct regular rent reviews and assist with extending or ending the tenancy when required, including handling all end of tenancy dilapidations negotiations.

## Premium Managed Service



Our Premium Managed service is designed to safeguard your finances and give complete protection for your investment.

In addition to all services provided under the Essential Managed service, we also give you the ultimate level of protection against risks associated with letting a property. Your rent payments will be protected in the event of a tenant going into rent arrears, and you will have access to legal assistance and eviction service in the event of serious breaches of the tenancy agreement, with legal fees covered\*.



\*Terms & Conditions apply, contact your local Martin & Co office for more information.

# We are here to help

The new PRT tenancy and property safety rules for Scotland are complicated. An increasing onerous and complex legislative burden combined with the ever changing compliance obligations means more and more clients who were managing their own portfolio are seeking our help.

New clients often find that using one or other of our management service options not only lifts their

burden, but also adds value to the point at which our involvement is self-financing or profitable for them in the initial period and/or going forward.

Martin & Co are here to help. Please contact us to find out how we could assist and add value for you in your specific circumstances.

## Being a landlord

### Landlord registration

Before renting a property all landlords in Scotland must register with the local authority in which the property is let. Registration must be renewed every 3 years. Joint owners also require to be registered and Landlord Registration numbers must be displayed on all property adverts.

Renewal is required after three years. Failing to register as a Landlord is a criminal offence. From 16 September 2019 landlords are also required to make new declarations to confirm they have done certain things to ensure their property meets minimum standards. Local authorities may ask for vouching that such declarations are correct before making a decision on the grant or renewal of a landlord's registration.

From 1st October 2020 The Scottish Government intended that all new tenancies would require the property to have EPC rating E or better, and from 31st March 2022 that requirement would apply to all existing tenancies. It was also proposed that from 1st April 2022 all new tenancies will require the property to achieve Rating D or better and all existing tenancies to meet that level by 31st March 2025.

Due to the Coronavirus crisis these changes have been postponed. At the time of preparing this guide there is no new date announced for implementation, but we are planning on the basis these changes will be implemented by October 2021, so everything is put back a year. Please ask us for up to date advice on this.

### Energy performance certificate (EPC)

An EPC is required by law when a property is offered for sale or rent. It gives homeowners and tenants information on the energy efficiency of a property and the EPC rating must be displayed on property adverts. An EPC is valid for 10 years. If tenants would like to carry out energy efficiency improvements in the property, they should request consent from their landlords. Tenants are responsible for securing funds for any improvements.

If these new standards cannot be met, you will have to carry out improvement works or have proper justification to exempt the property from the requirements. We can provide advice to you in relation to obtaining such exemption if necessary. This area is another where it is now crucial for a landlord to obtain the correct advice.



## Houses in multiple occupation (HMOs)

An HMO is a property which is let to 3 or more unrelated persons. Landlords must obtain an HMO licence from the relevant local authority before any tenancy commences and agree to comply with the relevant planning, building regulations, environmental health, safety and fire regulations. We will require sight of your HMO licence. The landlord is also responsible for renewing any HMO licence, generally every 5 years. It is a criminal offence to let a property as an unlicensed HMO and the penalties are substantial.

## Landlord responsibilities

The landlord is responsible for keeping the property in good repair as defined by the Housing (Scotland) Act 2006. The standard to be met is known as the Repairing Standard and includes ensuring the property is wind and watertight and in all other respects fit for human habitation. It also includes that the structure and exterior of the property, as well as the installation for the supply of water, gas, electricity, sanitation, heating and water heating, are in good repair. The landlord is also responsible to ensure that the risk of exposure

to Legionnaires' Disease in the premises is properly controlled. From 1st March 2024, other requirements will come into force meaning properties will require to have fixed heating systems and a designated kitchen space to comply with the Repairing Standard.

## Being insured

Landlords should ensure they have adequate building and contents insurance cover in place for all fixtures, fittings and white goods (or plumbing and heating installations). Consider including public liability in your insurance, so that you are protected in the event of an accident in the property. Tenants are responsible for insuring their own personal belongings.

## Tenant's responsibilities

A tenant has the responsibility of taking care of the rented property and using it in a responsible way, paying the rent and keeping to the terms of the tenancy agreement. If tenants cause damage to the property, they are responsible for the cost of repair, or any deterioration in condition which is beyond that of fair wear and tear.

# Compliance with safety regulations

At Martin & Co, we have the knowledge and experience to help you to comply with all relevant legal and safety regulations when you let a property. Safety regulations are extensive, and there are heavy penalties for non-compliance. Some things to consider include:

## Gas safety (Installation And Use) regulations 1998

These require landlords to arrange an inspection, carried out by a 'Gas Safe' registered engineer. A Landlords' Gas Safety Certificate must be issued, a copy of which must be held by us and given to the tenant before they move in. This certificate must be renewed annually. It is advisable to arrange the inspection before a tenant is found. We can make these arrangements on your behalf. Landlords are also responsible for ensuring that either the operating instructions are shown on the appliance, or an instruction booklet is supplied.

## Furniture and furnishings (Fire) (Safety) regulations 1988 (Amended 1989 And 1993)

This Act covers all upholstery and upholstered furniture supplied by the landlord, including beds, pillows, headboards, mattresses, cushions, sofa beds, futons and so on. New compliant furniture will always carry the correct safety label. Any non-compliant furniture items must be removed.

## Electrical safety

In Scotland there is also a requirement to have an Electrical Installation Condition Report (EICR) prepared for the property at intervals of not more than five years and records kept for not less than six years. An EICR must also include a portable appliance test (PAT) for all appliances provided by the Landlord under the tenancy. An EICR must be carried out by a competent person. Membership of an accredited registration scheme such as NICEIC or SELECT will generally satisfy this requirement. PAT tests can also be carried out by a registered electrician or by anyone (including the landlord) who has completed the relevant PAT training. PAT tests will be required more frequently than every 5 years.

## Smoke alarms

In accordance with the Repairing Standard set out in the Housing (Scotland) Act 2006, there must be functioning interlinked smoke alarms in the rooms frequently used for general daytime living purposes, in every circulation space (e.g. halls and landings) as well as a heat alarm in every kitchen. If there is no living room or circulation space on a particular storey, then an alarm must be fitted in the main room on that storey. Alarms must be ceiling mounted and either hardwired or use tamper proof, long-life lithium batteries. Expiry dates for these alarms should be visible.

## Carbon monoxide detectors

Where there is a fixed combustion appliance, tamper-proof (e.g. boiler, stove, heater, etc) fuelled by solid fuels, oil or gas, the property must have a working carbon monoxide detection system which complies with current building standards. Detectors' positioning will depend on the layout of the property. We can provide advice in relation to such matters on request.

## Legionella

Landlords are responsible for ensuring that the risk of exposure to Legionnaires' disease is properly controlled. A Legionella risk assessment must be carried out by a competent party. If a risk is identified, appropriate steps must be taken to remove or minimise the risk. We can arrange the Risk Assessment on your behalf. Landlords may be required to provide evidence of such risk assessments when applying or renewing their landlord registration.

## The letting agent code of practice

The Scottish Government has introduced a Letting Agent Code of Practice ('the Code') with effect from 31st January 2018. The Code requires that any agents who undertake letting agency work in Scotland must deliver their services in a way that complies with the Letting Agent Code of Practice. The Code sets out the standards of practice that must be met, including provisions for training and professional qualifications required of letting agents, along with specific requirements around how clients' money should be handled. It also makes it compulsory for businesses to have Client Money Protection and Professional Indemnity Insurance, both long a part of our brand requirements. A copy of the Code is available on request.

## Compulsory registration

Alongside the Code, all letting agents in Scotland are required to join a mandatory register of letting agents. We are registered to act as letting agents in Scotland and are subject to the Code.





# We set high standards

Martin & Co has an established reputation to protect. We ensure our branches meet and exceed the highest professional standards.

All Martin & Co franchised offices are members of The Property Ombudsman (TPO) and many offices and staff are members of the Association of Residential Letting Agents (ARLA) or the UK Association of Letting Agents (UKALA). In addition, all our Scottish offices

are members of The Scottish Association of Landlords (SAL), which means you can be rest assured that you'll receive professional, unbiased advice at all times.

Commitment to the highest standards is developed within our team through the Martin & Co training academy's unique mix of on-the-job training and external professional development courses.

## 10 reasons to choose Martin & Co to let and manage your property

-  Efficient local property management and reliable customer service
-  Rental income protection and legal expenses cover available
-  Straightforward and transparent fees
-  Detailed property inventory and hassle-free utility switching
-  Compliance with ever changing lettings legislation and safety regulations
-  Repairs and maintenance using reputable tradespeople
-  Industry leading tenant background checks
-  Your landlord legal rights protected and enforced
-  Government approved tenancy deposit schemes
-  Regular property visits or virtual inspections and safety checks

Talk to Martin & Co lettings and property management professionals today, we'll look after your property as if it was our own and make things easier for you!

# Providing answers

We recognise that landlords have questions. Here are the answers to some of the most frequently asked ones.

### What should I do if my tenant doesn't pay the rent?

If you have a rent protection product in place with us, it will be invoked as specified. Martin & Co will demand the rent from the tenant, if a rent collection service is in place. There are set procedures for dealing with rent arrears, and we can give guidance on the process for gaining possession of the property if needed.

### Who will oversee any repairs?

Depending on the service you have chosen, our staff will determine who is liable and, if appropriate, will arrange for the work to be carried out by a qualified contractor, usually one who regularly works for us.

### What is management?

Martin & Co provide a range of management services to maintain a property to the standard it was at the beginning of the tenancy, excluding fair wear and tear. This includes arranging all maintenance and running repairs, except for items that are clearly the tenant's responsibility. It can also include legal protection and rent protection insurance for the ultimate peace of mind.

### What is an inventory?

An Inventory and Schedule of Condition is a list detailing every item contained within a rental property, including its condition. An inventory check-in and check-out will be signed by the tenant(s) when moving in and moving out respectively. This goes a long way in resolving issues relating to property damage throughout the tenancy.

### Should I arrange insurance when I let out a property?

Landlords should insure their property and contents owned by them, including furniture and white goods. Tenants should insure their own possessions.

### How will you find me a tenant?

Once we have established your requirements, these will be carefully matched against our database of potential tenants. We will advertise properties using traditional media, as well as our website and popular property search portals. We also display 'To Let' boards next to your property to attract maximum attention. Once a suitable tenant has been found, we carry out stringent industry-leading background checks and references which ensure nothing is left to chance.

### How do I know I'm getting a good tenant?

We conduct identity and residency checks on all applicants. Depending on the level of service you have chosen, we will provide a regular credit check to ensure there is no adverse change in a tenant's ability to meet their rent obligations during the tenancy.

### Should I inform anyone that I intend to let my property?

Yes, you will need consent from your mortgage lender if you have a mortgage and, if applicable, consent may need to be obtained from your superior landlord depending upon the tenure of your property.

### When and how will I receive my rent?

With our Premium Managed, Essential Managed and for Basic Service clients who take our Rent Collection Service, we will arrange for payments to be made directly into your account within five working days of the rent clearing into our account. At that point we will also issue a clear written statement of all income received and expenditure incurred since the last statement. If you are on our Basic service without Rent Collection, you will receive rent from the tenant directly by standing order.

### Who pays the bills?

In addition to the rent, tenants are responsible for paying water charges, council tax, gas, electricity and telephone bills.



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