

# **THE ESSENTIALS FOR LETTING**

Letting a property brings with it many responsibilities for the Landlord and we are here to offer guidance in this area. Whether the problem is related to gas, electric, furniture or something else, there can be serious consequences for a Landlord if he or she has not adhered to the required rules and regulations. Since 6th April 2007 all new tenancy deposits have to be protected in a Government Authorised scheme. Failure to do so can result in penalties for a Landlord and the loss of automatic rights to regain possession at the end of the Tenancy. As a member of the Deposit Protection Service ([depositprotection.com](http://depositprotection.com)) we ensure that our Landlords are fully protected.

The Inland Revenue classes rent received as income and this needs to be declared. However you can offset many items against the income and we can assist with general advice. Some clients may need an accountant for detailed advice but we can help with a general overview. Additional regulations apply for non UK resident Landlords and in these instances we can ensure that our service allows for the Inland Revenue's requirements. The Inland Revenue publish a wide range of leaflets, most of which are available on line via [www.inlandrevenue.gov.uk](http://www.inlandrevenue.gov.uk) (Letting and Your Home, Non-resident Landlords; Taxation of Rents; are good starting points).

Listed below are the fundamental points that are required for a Property to be let:

## **Gas Safety Certificate**

It is illegal to rent a property with gas appliances (e.g. boiler, cooker) without having a valid Gas Safety Certificate. The Gas Safety Certificate must be issued on an annual basis by a Gas Safe registered engineer who will be required to carry out a safety check on the boiler and to make sure that pipework, flues, and any other gas run appliance are maintained in a safe condition. The Gas Safety Certificate is valid for 12 months and must be renewed every year if the property is tenanted. No tenancy can commence without receipt of a valid Gas Safety Certificate.

## **Smoke and CO alarms**

From the 1st October 2015 regulations require smoke alarms to be installed in rented residential accommodation on each floor where there is a room used wholly or partly as accommodation. In addition, carbon monoxide alarms are required in rooms with a solid fuel appliance.

## **Fire safety -The Furniture & Furnishings (fire safety amendments) Regulations 1993**

It is necessary to provide only furniture and furnishings which comply with the current legislation. The furniture and furnishings included are any of the following which contain upholstery: all furniture including children's furniture and nursery furnishings, beds, headboards, mattresses, pillows, sofa-beds, futons, and other convertibles, garden furniture, scatter cushions, seat pads and loose or stretch covers for furniture

Please note that it is an offence to supply furniture which does not comply with the regulations and to make such a supply carries a punishment of imprisonment or a fine of up to £5,000.00. In the event that a landlord supplies incorrect information he/she will be solely liable for any action taken by an authority for failure to comply.

## **Energy Performance Certificate**

From 1st October 2008 all Landlords are required by Law to ensure that an Energy Performance Certificate is carried out prior to letting a property. This certificate grades on an 'A-G' rating system the energy efficiency of the property. The certificate should be carried out by an accredited assessor.

New regulations to be introduced in April 2018 will make it unlawful to let a property that has been rated F or below and there will be an expectation for a landlord to agree to a tenants reasonable request to improve the energy efficiency of a tenanted property.

## **The Housing Act 2004 (HMO Regulations)**

From April 2006 all property owners must comply with the latest regulations relating to Houses in Multiple Occupation (HMO's). The new laws re-define HMO's and dictate which HMO's are subject to mandatory licensing. Penalties for breach of these laws are severe, with fines of up to £20,000.00 for failure to get a license or for breaching permitted numbers. For further information visit <https://www.gov.uk/private-renting/houses-in-multiple-occupation>.

## **Tenant Deposit Scheme**

From 6th April 2007 all Tenancy Deposits must be protected under the Tenant Deposit Scheme by Law. Failure to do so will affect the Landlord's ability to gain possession of the property. The tenant can also apply for a court order requiring the Landlord to either repay the deposit or to safeguard the deposit. The court may also order the landlord to pay the tenant an equivalent amount of up to three times the deposit figure in compensation.

The three scheme operators are:

The Tenancy Deposit Scheme (TDS) [www.thedisputeservice.co.uk](http://www.thedisputeservice.co.uk)

Tenancy Deposit Solutions Ltd (TDSL) [www.mydeposits.co.uk](http://www.mydeposits.co.uk)

The Deposit Protection Service (DPS) [www.depositprotection.com](http://www.depositprotection.com)

## **Deposit Dispute**

We will assist on any fair deposit dispute subject to an administration fee. This service is only open for properties / landlord under our management service.

## **Contents and Building Insurance**

The landlord is responsible for insuring the building together with any contents provided. Tenants are responsible for insuring their own personal possessions. Beware, failure to advise insurers that a property is tenanted is likely to render the policy void. We can offer assistance for both landlords and tenants via our insurance partner, just call for more details and an introduction.

## **Inventory**

Whether the property is to be let furnished or unfurnished, it is essential that a detailed Inventory and Condition Report is prepared. This document becomes an integral part of the tenancy forming the basis for the check out at the end of the agreement. We use an independent Inventory Clerk to ensure that this inventory is a fair reflection of the property which minimises any disputes at the end of the tenancy.

Finally, to maximise the potential of your property keep it in good internal order with regular redecoration, professional cleaning and carpet cleaning. The market is increasingly competitive and this will provide your property with an edge over others. The better maintained the property, the lower the ongoing running costs and less disruption to your tenant. The better and more thorough the preparation before the let, the more smoothly the tenancy will run.