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# Welcome

*The 23 Edition of November 2013*

the London Landlord 

## Welcome to the latest edition of the London Landlord

This will be the last edition of London Landlord before the closing date for all entries for the UKLAP Conference & Award Ceremony. The deadline for submissions is Monday 20th January 2014, which is approaching fast, so ensure you go to the UKLAP/LLAS website and follow the conference link. This year's Conference will be held in central London on Friday, 28 March 2014.

The Mayor of London has made accreditation a key plank of his private rented sector strategy and the London Rental Standard (LRS) badge, which will be administered by the LLAS, will establish minimum

standards for both landlords and agents and has a target of accrediting 100,000 members by 2016 – a very challenging target. The LRS will be launched in March 2014 and all landlords accredited by the UKLAP/LLAS will be eligible to use the badge.

The Mayor has committed to funding a significant advertising campaign around the LRS badge which will target both landlords/agents and tenants and by raising awareness of accreditation will encourage more individuals and organisations to become members and motivate tenants to seek out accredited badge holders.

The UKLAP/LLAS see education of landlords, agents and tenants as key to both improving standards in the PRS and driving out the criminal element in the sector. Our scheme was the first to accredit members based of training and the need, once accredited, to keep abreast of new requirements and trends in the sector is as important as ever.

Some of the recent events affecting the PRS include the “Superstrike” Court of Appeal case on rent deposits has caused major concern in the sector and there is no clear solution to the uncertainty is insight. The Department of Communities and Local Government have recently produced a number of initiatives, including a draft tenants charter, setting out the rights and responsibilities for tenants and proposing statutory redress provisions for agents, which would help their bid to simplify the enforcement of the Housing Health and Safety rating Standard (HHSRS).

The Department of Works and Pensions (DWP) have delayed the roll out of Universal credit, insisting, however, that it's still to be implemented by 2017. After prolonged consideration, the Government have decided that the requirement to inform water companies about their current tenants will be voluntary in England (but compulsory in Wales).

## Inside this issue



- ▶ *Forward by Dave Princep*
- ▶ *Tessa-Lawyer: What are my obligations regarding electricity?*
- ▶ *A guide for Residential Landlords*
- ▶ *Landlord immigration responsibilities clarified*
- ▶ *Guidance on Tenancy Deposit Protection*
- ▶ *Am I a good landlord?*
- ▶ *Rent to Rent*

These are only some of the events which demonstrate the need to continue to keep up to date with changes. Look at joining a Landlord Association, attending your local landlords' forums and different CPD courses offered by UKLAP/LLAS, and take note of the articles in this issue.

I hope you enjoy this issue of the London Landlord.

Dave Princep

Chair of UK Landlord Accreditation Partnership (UKLAP) & London Landlord Accreditation Scheme (LLAS)

## UKLAP/LLAS 2014 CELEBRATING EXCELLENCE IN THE PRIVATE RENTED HOUSING SECTOR (PRS)

### Enter the UKLAP/LLAS Private Rented Housing Award 2014

Be part of the most prestigious and well respected awards in the Private Rented Housing Sector, which aims to recognise the excellence, creativity and passion of PRS organisations, letting agents and individual landlords. UKLAP welcomes over 400 key industry figures to celebrate the best of the PRS sector at a glittering London Ceremony.

**Online entries open, follow the link**  
[www.llas-conference.org.uk](http://www.llas-conference.org.uk)

**To book tickets, follow the link**  
[www.llas-conference.org.uk](http://www.llas-conference.org.uk)

and apply online. Alternatively, send a cheque payable to London Borough of Camden to the following address:

LLAS C/O Private Sector Housing Team  
Housing and Adult Social Care  
London Borough of Camden  
2nd Floor, 38-50 Bidborough Street  
London WC1H 9DB

**The deadline for all entries is**  
**5:00pm Monday 20th January**  
**2014**

#### Awards available for sponsorship:

- ✚ Best Landlord Services (Local Authorities and NGOs)
- ✚ LA - highest number of accredited landlords from Jan 2013 to Jan 2014
- ✚ Best Service Provider (not Local Authorities)
- ✚ Best Small Landlord (1 to 20 properties)
- ✚ Best Portfolio Landlord (20 plus properties)
- ✚ Best Letting Agent of the Year - SOLD
- ✚ Best Landlord of the Year for Student Housing
- ✚ Green Landlord of the Year
- ✚ Green Agent of the Year
- ✚ Overall Best Landlord of the Year
- ✚ Empowering Tenants Award
- ✚ Make A Difference Award - SOLD

### Sponsorship Opportunities Available!

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**Platinum Sponsor**



## Key sponsor of the **London Landlord Accreditation Scheme** announced

Blue Watch has been named one of the key sponsor of the London Landlord Accreditation Scheme (LLAS) Event. Blue Watch is a home safety scheme designed to make rental properties across the UK safer. Set up by the Chief Fire Officers Association (CFOA) through their trading company CFOA Services Ltd and supported by fire and rescue services, a property that displays the Blue Watch symbol shows tenants that a trusted fire safety expert has validated the property and that the home is safer from the dangers of fire and carbon monoxide (CO).

Sponsorship of the LLAS will involve supporting the LLAS conference and award ceremony in March 2014, which is being held to celebrate the success of the accreditation scheme and to reward the excellence of LLAS members. The event will also give the opportunity for high profile speakers to discuss the challenges of growing within the private rented sector and to speak on future regulations.

Paul Fuller, chair of CFOA Services Ltd said: "It's great to have the opportunity to sponsor LLAS. Blue Watch recognises the importance of landlords having a thorough understanding of issues surrounding letting properties. We therefore want to relieve some of this pressure by giving landlords peace of mind when it comes to fire and carbon monoxide safety.

"Firefighters see the devastation and costs of fires and CO poisoning in homes every year, many of which could be prevented. Over a recent 12 month period, nearly 9,000 people in the UK were injured by fire and a further 4,000 suffered CO poisoning. Sadly, 327 lost their lives. Blue Watch aims to significantly reduce this number by making sure the correct safety products and procedures are in place in rented accommodation."

Landlords have an obligation to ensure that appropriate safety measures are taken in their rental property. Research carried out by Blue Watch, however, conducted among 1,500 landlords and 1,600 renters across the UK, reveals that one in five (21%) landlords never worry about making sure their tenants are safe. This is despite nearly the same amount of tenants (23%) - the equivalent of around 17.3 million renters in England - claiming to have reported concerns to their landlord regarding the safety of a gas or an electrical appliance in their home.

Blue Watch provides landlords, letting agents and tenants with advice, support and products to make rental properties safer from fire and CO risks. Getting a property Blue Watch validated is simple - landlords register their property on the Blue Watch website by completing a checklist stating what safety measures they have in place in their rented homes. Once registered, a property is validated by the local fire services by checking fire alarms, CO alarms, fire doors, fire extinguishers and fire blankets.

**For more information and to register visit: [www.BlueWatch.co.uk](http://www.BlueWatch.co.uk) or call 0300 555 0220.**



## Blue Watch. Make a safer place.

Blue Watch is a home safety scheme designed to make rental properties safer. It has been set up by the Chief Fire Officers Association (CFOA) and is supported by UK fire and rescue services.

As a landlord, you are responsible for the safety of your tenants which includes making sure your property is safer from the risks of fire and carbon monoxide (CO) incidents.

Blue Watch supports landlords with a two-tier service and a range of products designed to reduce the risks of fire and carbon monoxide in your properties.

The Blue Watch process for landlords is simple and straightforward:

- Landlords are encouraged and supported to register their properties and work through a self-declaration safety checklist
- Landlords can achieve Blue Watch validation for their properties by arranging a home safety inspection by someone from the fire and rescue service trading arm or trusted partner
- Landlords shop for the products required to make their properties safer



Register your **property online**



Receive a **home safety inspection**



Invest in **fire safety products**



Essential **safety tips and advice**

For more information and to register visit:  
[www.bluewatch.co.uk](http://www.bluewatch.co.uk) or call 0300 555 0220



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# An alternative to letting agents



*Kim Felettigh and Jake Willis, co-founders of London Shared, at the Parsons Green office.*

Shared accommodation within a stylish, safe home has already become a popular option for young professionals living in London, and through London Shared, it is also now a viable alternative for landlords wishing to save on agency fees.

Changes within the economic landscape in Britain have resulted in more and more young professionals entering into house shares in London. The fact is that unless help is provided, it is near impossible for the average young Brit to save a large enough deposit to get onto the property ladder in London, which is resulting in a feeling that 'generation rent' is going to be the norm in the coming years. However, young professionals are looking for higher quality living environments and shared accommodation makes this possible within their budget.

"When the history of London property gets written, we'd definitely like to be seen as the early visionaries of shared accommodation, the first to really "get it right." says Jake Willis, co-founder and managing director of London Shared. "We are not an estate agency, and we don't have those conflicts of interest. We're managers, really."

The basic model is simple enough: London Shared rents 3+ bedroom properties directly from the owner on a 3-year agreement, fully furnish the property and then let the rooms to working professionals.

London Shared does all the hard work so the landlord doesn't have to, and life is much better for the residents as well. For them it's a new-and-improved "2.0" version of communal London living. For instance, the majority of the rooms have flat-screen TVs and free Wi-Fi. London Shared also provides a cleaner once a week. For young



*A bedroom in one of the London Shared properties.*

professionals concentrating on making their mark in the Big Smoke, it takes away a lot of hassle not having to spend time working out who owes what for bills. Best of all, London Shared has a full time maintenance and customer service team to help if a tenant gets locked out or leaky faucet needs to be fixed.

"Since we started in 2007, we have noticed a sharp increase in the number of landlords approaching us directly so they can save on agency fees," continued Jake. "Naturally we are biased in that we think it is a no-brainer to choose us as we offer competitive rents which are guaranteed regardless of occupancy. Our landlords must feel the same as over 95% of them renew with us beyond our initial term. We feel our concept just makes sense."

London Shared are accredited landlords and a platinum sponsor of our upcoming awards ceremony. You can find out more about them at [www.londonshared.co.uk](http://www.londonshared.co.uk).

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# DepositGuard

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- ▶ **Peace of Mind** - Free access to impartial adjudicators
- ▶ **Easy to use** - Manage all your deposits online



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Deposit Amount	DepositGuard fee
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Deposit value OVER <b>£500</b>	<b>£17.95</b>

Under the provisions of the UK Housing Act 2004, if you have a tenancy that started after April 2007 and you take a deposit, then the landlord or agent must protect the deposit using a government authorised tenancy deposit scheme or risk fines of between one and three times the deposit amount.



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[www.placegroupuk.co.uk](http://www.placegroupuk.co.uk)

## Advertising opportunities with the LLAS

Landlords and agents can advertise their services and products in our newsletters and on the UKLAP/LLAS website at discounted rates. For further information email [LLAS@camden.gov.uk](mailto:LLAS@camden.gov.uk) or visit [www.londonlandlords.org.uk](http://www.londonlandlords.org.uk). Alternatively, phone 020 7974 1970 / 020 7974 6975.

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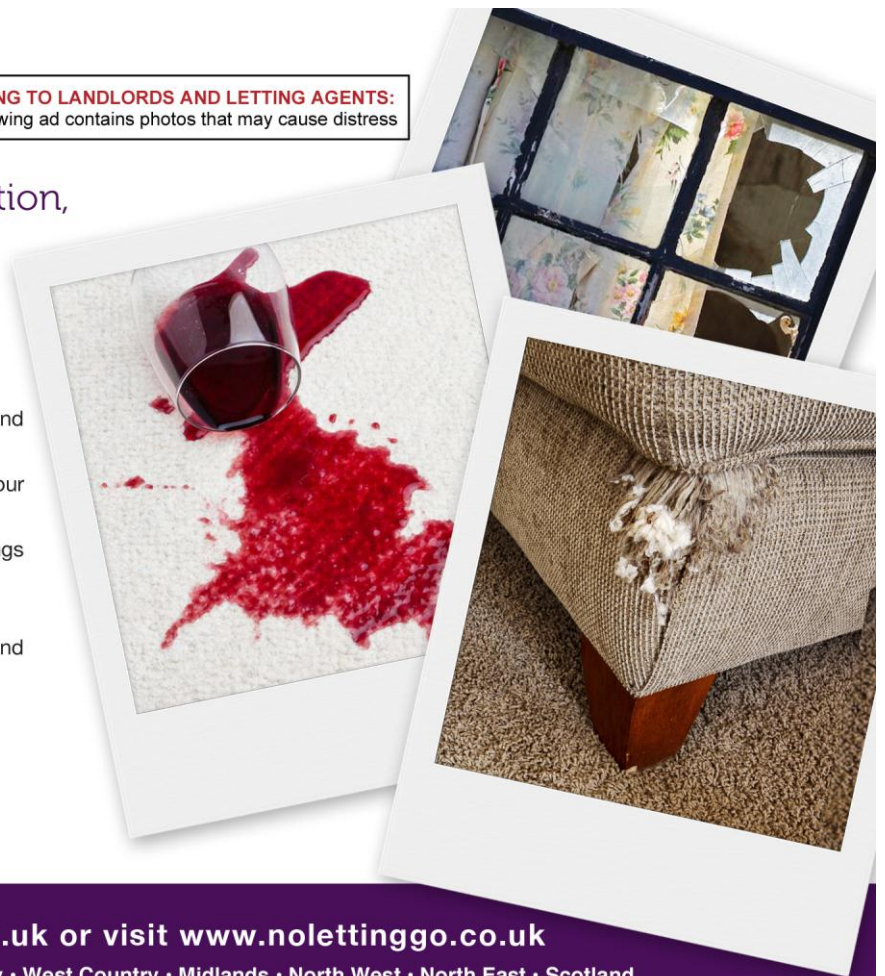
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*"Landlord Law's great documents, information and customer support have been a God send and helped put me on the right path when I started out as a novice landlord. Thank you Landlord Law!" John Meades, Landlord*

## Specialist landlord & tenant lawyer Tessa Shepperson answers landlords' FAQ. In this issue: What are my obligations regarding electricity?

Landlords are often confused about their legal obligations regarding electricity. This is not straightforward as it is contained in several different bits of legislation.

Here is a quick summary:

### **Electricity and landlords repairing covenants**

The main statutory requirements come in the standard landlords repairing obligations in section 11 of the Landlord & Tenant Act 1985.

This requires the landlord to keep in repair and proper working order the installations for the supply of electricity. This means in particular the wiring.

### **Inspections and certificates for electrical safety**

Unlike gas, there is no general obligation on landlords to get an annual survey and certificate. However it is often a good idea for landlords to have inspection done anyway, as there is no knowing what stupid things tenants may do.

I can remember one landlord telling me how glad he was that he had done this when, as a result of the inspection, his electrician found a live wire in the wall – left by a tenant who had illegally installed a wall light fitting and then removed it. Had the incoming tenants been electrocuted by this, the landlord would have been liable for this.

### **Houses in Multiple Occupations (HMOs)**

This only time when landlords are actually obligated to get an inspection and certificate is where the property is an HMO. Here the Management Standards Regulations provide for every electrical installation to be inspected and tested at least every five years by a qualified electrician and a certificate obtained.

However remember that the requirements for HMOs vary from Local Authority to Local Authority so if you run an HMO it is always best to ask what they are. They may be more onerous in your area.

### **Students and accreditation schemes**

Landlords letting to students or who are members of an accreditation scheme will also normally be required to get the property inspected regularly and have the certificate to prove it.

In particular colleges and university accommodations, officers will generally refuse to allow landlords to advertise unless they are accredited or meet with their own requirements. This will invariably include electrical checks.

### **PAT certificates**

PAT stands for Portable Appliance Testing. A portable appliance can be any appliance or device with a plug attached to it. Personal computers, monitors, speakers, kettles, irons, leads, cables, toasters, printers are good examples.

Again, it is not strictly necessary to have them tested (although some accreditation schemes may require it); however, it is advisable. Having your PAT certificate in hands will prove that there was nothing wrong with the appliance when the property was let to the tenant, therefore any damage must be occurred by the occupant(s).

### **The Housing Health and Safety Rating System (HHSRS)**

Under Part 1 of the Housing Act 2004, Local Authorities can inspect all properties, including rented accommodation, to ensure it is in a proper and safe condition. When carrying out HHSRS inspections officials will assess the property against 29 hazards, one of which is electrical hazards. If a category 1 hazard is found as a result of the inspection, officers will generally enforce this by serving an improvement notice.



## Regulations

There are a number of product safety regulations relating to electrical matters. The main ones are listed below:

- The Electrical Equipment (Safety) Regulations 1994
- The Plugs and Sockets etc. (Safety) Regulations 1989
- The Gas Cooking (Safety) Regulations 1989

## Building regulations

Note that under building regulations, all electrical work must now be done by a qualified electrician.

## Enforcement

Finally, be aware that there are differences in how the different statutes and regulations are enforced.

The Landlord & Tenant Act 1985 provides for the repairing obligations in s11 to be implied into all tenancies with a term of less than 7 years and these are enforced under the civil law by the tenant bringing a claim in the county court – generally for compensation and maybe an injunction ordering the landlord to get the work done.

However the other regulations fall under the criminal law. These are generally enforced by Local Authority Environmental Health departments, or sometimes Trading Standards Offices, bringing a prosecution in the Magistrates Courts (although you will be warned and served with notices before they do this).

© Tessa Shepperson 2013

Tessa Shepperson is a solicitor (non practising) and author, and runs the popular Landlord Law site at [www.landlordlaw.co.uk](http://www.landlordlaw.co.uk) and she also blogs at [www.landlordlawblog.co.uk](http://www.landlordlawblog.co.uk).

## London Borough of Hillingdon Private Sector Landlords Forum 2013

Tuesday 3rd December 2013

The meeting starts at 18:00 and  
finishes at 21:00hrs.

All forums will be held in  
Committee Room 6, at the Civic  
Centre, High Street, Uxbridge,  
Middlesex. UB8 3UA.

Do not forget to collect your CPD  
points!

## Landlords, do you have a vacant house or flat in West London?

West London councils want to help you bring it back into use. In some cases **grants are available** to help with the costs.

Please contact the Empty Property Officer in the relevant borough for details:

Local authority	Name	Telephone
Brent	Hannah Worsfold	020 8937 2539
Ealing	Elizabeth Ukiomogbe	020 8825 6229
LBWF	Martin Perrigo	020 8753 1476
Harrow	Driss Charrouf	020 8424 1953
Hounslow	Keith Dickens	020 8583 4657
RBKC	Richard Clark	020 7341 5753
Hillingdon	David Youngs	018 9527 7437

# Westminster Landlords Forum 22<sup>nd</sup> January 2014

## Venue / Directions/ Refreshments / Timings

**William Sangster Room, Central Methodist Hall, Storey's Gate,  
Westminster, London, SW1H 9NH**

**How To Get there** Central Hall Westminster is located on Storey's Gate, across the road from Westminster Abbey and the Houses of Parliament and can be easily accessed in a number of different ways:-

- **Underground:** Westminster station - Jubilee, Circle and District lines. St James' Park station - Circle and District lines. Victoria station - Victoria, Circle and District lines.
- **British Rail:** Central Hall is within easy walking distance of Victoria, Charing Cross and Waterloo mainline stations.
- **Buses:** 11, 24, 148 and 211 pass the door. Buses 3, 12, 53, 53X, 87, 88, 109, 159 and 453 stop nearby.
- **Car Parking:** Public car parks operate in Abingdon Street, Horseferry Road, Rochester Row and Semley Place. There is also parking adjacent to the building on Tothill Street and Matthew Parker Street.

**Details for disabled access** - the building is fully accessible - access through the front of the building – up to the 3rd floor and then you have to use a different lift to come down to the 2nd floor

**Refreshments including a light snack will be served from 5:30 p.m. for a 6 p.m.start and the seminar will end at 8 p.m.**

## Agenda / Speakers

1. The Government's proposals for immigration checks in the private rented sector  
**Speakers – Mark Davies, Communities and Local Government and Tim Woodhouse, Home Office**
2. The Mayor's London Rental Standard  
**Speaker - Rhona Brown, Greater London Authority**
3. Update on welfare reform and the impact on the private rented sector and consequent impact on the City Council  
**Speakers – Gwyn Thomas and Helena Stephenson, City of Westminster**
4. Understanding the principles of HHSRS and what constitutes a HMO  
**Speaker – Rory Doyle, Westminster Council**

## How to Book Your Place

Please email: [res@westminster.gov.uk](mailto:res@westminster.gov.uk) or Telephone: 020 7641 8959.

If a place has been reserved and you are unable to attend we would ask that you notify us so that we can reallocate. We envisage this event will be oversubscribed.

**Westminster City Hall, 64 Victoria Street, London - SW1E 6QP  
Main Switchboard 0207 641 6000 [www.westminster.gov.uk](http://www.westminster.gov.uk)**



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## Letting rooms in your home: A Guide for Resident Landlords

A landlord who is intending to let rooms to several people who do not form a single family should check with their local council's Housing or Environmental Health Department to enquire about HMO licensing if rooms in the house are let to several people, it may be classed as a house in multiple occupation (HMO). Local councils have the power to licence certain types of HMOs in order to protect occupants from problems that can arise in shared accommodation.

How exactly is a landlord considered to be 'resident' in law? Does it make a difference if I don't live in the property all the time? For lettings started from 15 January 1989, the important point is whether you are using the property as *an only or principal home*, both at the start of the letting and throughout it.

**It is accepted that, for short periods, a landlord may not live in the property yet still be considered to be resident:** so long as he or she intends to return and this is apparent, for example if he or she has left belongings. However, only a court can say for certain whether a landlord has maintained enough residence in the property to count as a resident landlord: if not, then it is possible that the letting arrangement may be deemed to have become a regulated or assured tenancy, depending whether it first began before or from 15 January 1989

**Are all kinds of resident landlord arrangements treated the same in law? No. There are two main considerations:**

- A. whether the landlord (or a member of his or her family) shares any accommodation with the person he or she is letting to
- B. whether the occupant has exclusive possession of at least one room



- A. This is important in distinguishing whether the occupant is protected by legislation in terms of notice to leave and eviction: a non-sharing arrangement will generally give the occupant greater legal protection than where accommodation is shared. (For this reason, lettings which are outside this protection are known as *'excluded' tenancies* and *'excluded' licences*).

Shared accommodation' means any part other than stairs, halls, passageways or storage space; so that while a tenant in a self-contained flat would not be considered to be sharing accommodation with the landlord, even someone who has most of their own facilities but shares a toilet would. However, even if the occupier only shares accommodation with a member of the landlord's family, the arrangement will still be counted as a sharing one if the landlord himself also lives in the house.

To count as an excluded tenancy or licence, the landlord does not have to live in the house continuously, although it must have been his only or main home both before and at the end of the letting period.

- B. This is about the distinction between *tenancies* and *licences*. Whereas the usual assumption for any letting arrangement is that it will be a tenancy, there may be some factors present that will make it merely a licence to occupy. The most usual one is a lack of exclusive possession; but if:
- The occupier does not have a right to occupy a particular room or rooms and/or
  - There is no rent payable for occupying the room and/or
  - The occupation is not running for identifiable amounts of time, for example by the week or month then the arrangement is also likely to be a licence.

Common general examples of licences are staying in a hotel, or having a friend to stay for a few days. Tenants have some rights that licensees do not have.

### **So what is the difference between a tenancy and a licence to occupy?**

The most important qualification for a letting to be a tenancy is that the occupier is granted exclusive use of at least one room. So if, for example, he or she has her own room and you do not have the right under the agreement to enter it without permission, the letting would probably be a tenancy. If you agree to provide some form of attendance or service which requires you (or someone working for you) unrestricted access to the occupier's room, the letting would be a licence to occupy. If the occupier has to share his or her room (or all of his or her rooms, if more than one) with someone he or she did not choose, the letting would be a licence. To be a tenancy, the letting must also be for a particular room (or rooms) – that is, without you being able to move him or her around.

### **How do the distinctions between different arrangements work in practice?**

Examples of the most common arrangements are as follows:

- Non-excluded tenancy: house divided into self-contained flats, occupier lives in one and landlord in another
- Non-excluded licence (*unusual*): landlord has right to choose new sharer for occupier's self-contained flat; or has unrestricted access to it for cleaning
- Excluded tenancy: 'house share' arrangement, where landlord lets room(s) in his or her home and shares lounge etc with the occupier; bedsit arrangements where landlord is not servicing rooms
- Excluded licence: 'lodgers', where the arrangement includes cleaning the room; stay by a friend on a casual basis; room is let as a 'roomshare' with existing occupant.

The above list only gives an indication of how different arrangements might be viewed: it is not definitive, and the important factor for any particular case is how the arrangement works in practice. Only a court can say with any certainty whether a letting is a tenancy or a licence to occupy; and the fact that a landlord may say that what is being offered or has been granted is a licence rather than a tenancy (or the written agreement is headed "licence"), does not necessarily mean that this is what it will be considered to be. If there is a dispute or other issue where the nature of the let could be important, it is advisable to get legal advice.

## What if I move out?

As described in section 1.3, you would only be considered 'resident' for as long as the house is your only or main home. If you cease to live there, then a *tenancy* may be deemed to have become an assured short-hold tenancy (if the original tenancy started after 28 February 1997) or an assured tenancy (if the tenancy started before this date but after 15 January 1989), of whichever rooms the tenant was letting

If the letting was a licence to occupy, it would not become one of these tenancies since the nature of occupation would still not fulfil all the requirements for a tenancy such as exclusive use.

## What if I sell the property or die?

There are special rules which can ensure that tenants do not automatically become tenants as soon as a resident landlord sells his or her house, or dies, if the new owner will also be living in the property.

If the house is sold, the new owner must:

- Give notice within 28 days that he or she intends to take up residence, and
- He or she must actually move in within six months of the sale.

Until the new landlord moves in, the tenant enjoys the same security of tenure as if the tenancy was assured short-hold (or assured or regulated). This protection will then be lost so long as the landlord meets the six-month time limit.

## Does an existing agreement still apply if the property changes hands?

If there is an existing tenant in the property when the new owner buys or inherits it, the tenancy will continue with the new owner, and the terms of that tenancy will be binding on him even if he did not know of its existence.

This does not apply to *licences*, which will generally continue only if an appropriate agreement is entered by the new owner. But this may be affected by what is known and agreed to at the time when ownership changes, for example if the licensee was part-way through a fixed-term arrangement.

## I'm an owner-occupier. Do I need permission to let out part of my home?

If you own the property outright, you do not need permission from anyone to let. If you have a mortgage on the property, it is in practice essential to get the mortgage lender's agreement to let part of the property first, otherwise, you are likely to be in breach of the mortgage terms. If you are a long leaseholder, you should check the terms of the lease to ensure that you can let part of the property and, if necessary, get the freeholder's agreement first. In either of these situations, if your rights in the property end (e.g. because the mortgage lender forecloses due to mortgage arrears, or the freeholder terminates the lease because of a breach by the leaseholder), so will the sub-tenants.

## What steps might I take to help prevent problems in the future? (For example, asking for a deposit)

If you take a deposit, it may be advisable to keep the deposit in a separate bank account so that it can be returned easily at the end of the letting unless the conditions for withholding it are met. Separate rules about taking tenancy deposits apply if you are the landlord of an assured short-hold tenancy.

For further information, please visit [www.londonlandlords.org.uk/portal/index/resources/](http://www.londonlandlords.org.uk/portal/index/resources/)

## Advertising opportunities with the LLAS

Landlords and agents can advertise their services and products in our newsletters and on the UKLAP/LLAS website at discounted rates. For further information email [LLAS@camden.gov.uk](mailto:LLAS@camden.gov.uk) or visit [www.londonlandlords.org.uk](http://www.londonlandlords.org.uk). Alternatively, phone 020 7974 1970 / 020 7974 6975.

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[www.brent.gov.uk/rwb](http://www.brent.gov.uk/rwb)







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### **UPDATE: Landlord Immigration responsibilities clarified**

The immigration plans, that looked like they were going to force millions of private landlords to check the immigration status of their tenants, are to be changed with the new rules only applying to certain 'problem' areas in the country.

The Immigration Bill, a key part of the Queen's speech, had created fears that private landlords would become legally responsible for ensuring that they only let properties to people allowed to be in Britain. With anyone found to be breaking the law facing substantial fines that could have run into thousands of pounds.

However, it has now emerged that the changes will only be targeted at certain areas, such as some boroughs in the west of London. This means that most of the country's two million private landlords will no longer need to worry.

The change is coming about to ensure that most landlords will not be saddled with excessive red tape.

Officials in the Department for Communities and Local Government (DCLG) are now working on having the bill only apply to areas where immigrants are known to live in "high occupation" houses, such as Ealing and Hounslow. Further details are expected when the Immigration Bill is published later this year.

For more information please visit [www.gov.uk/government/organisations/department-for-communities-and-local-government](http://www.gov.uk/government/organisations/department-for-communities-and-local-government)

# Do you have a property to let in west London?



London Borough  
of Hounslow

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To register your property or for more information email [landlords@hounslow.gov.uk](mailto:landlords@hounslow.gov.uk) or call 020 8583 3855

[www.hounslow.gov.uk/housing/landlords](http://www.hounslow.gov.uk/housing/landlords)



## Your property must be licensed.

If you are a landlord or managing agent who lets residential property in Newham, it must be licensed.

Failure to license is now an offence and may result in fines of up to £20,000 per property.

For more information and advice, or to apply for a licence visit:  
[www.newham.gov.uk/propertylicensing](http://www.newham.gov.uk/propertylicensing)

Alternatively, contact the Property Licensing team on 020 3373 1950.

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# Do you have a property to let in Lewisham?

Lewisham Council runs two schemes to meet your needs.



## Lewisham Landlord Letting Scheme

With this scheme you manage your property yourself on an Assured Shorthold Tenancy. Benefits include:

- one-off cash payment for new landlords
- continuous supply of tenants
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- protection from LHA changes
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## Super-strike vs. Rodrigues – Guidance on Tenancy Deposit

This is a court of appeal decision regarding a deposit which was taken before the tenancy deposit regulations came into force in April 2007, but where the tenancy ran on as a periodic after that time.

The Court held that as a periodic tenancy which arises under s5 of the Housing Act 1988 is a new tenancy, this meant that the landlord had an obligation to protect the deposit and serve the prescribed information at that time.

As the landlord believed he did not have to protect (and so had not done so), he lost his claim for possession. There is some confusion about whether this case affects deposits taken since April 2007, and in particular whether deposits need to be re-protected and the prescribed information re-served when a periodic tenancy arises.

### Guidance issued by the Deposit Schemes

The guidance is the same for all schemes - you can download it from My Deposits web page on <http://www.mydeposits.co.uk/> along with a briefing document with comments on the implications of the case.

If...

... **Your tenancy is still within the original fixed term:**

You are advised to check the deposit is still protected at the end of the fixed term and re-serve the prescribed information at that stage.

... **Your tenancy has renewed either as a new fixed term or as a new periodic tenancy** (e.g. the tenants have just stayed in the property on a month to month basis):

Then it is possible you may be in breach already without realising it. We don't know if this is the case or not until there is another Court of Appeal or Supreme Court decision. It is your call whether you:

- Re-protect and re-serve the prescribed information now or (bearing in mind that most tenancies end amicably with the tenants moving out) or
- Just re-serve the prescribed information if you decide to serve a section 21 notice - before the notice is served. Assuming, of course that it is still protected.

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There are some great opportunities available that could assist your company to promote and raise its profile amongst accredited and non-accredited landlords and agents on our database, with a distribution list of over 26,000 plus. Please visit the conference page at [www.llas-conference.org.uk](http://www.llas-conference.org.uk) or email [LLAS@camden.gov.uk](mailto:LLAS@camden.gov.uk). Alternatively, phone 020 7974 1970 / 020 7974 6975.



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[www.LandlordMONEY.co.uk](http://www.LandlordMONEY.co.uk)

## Am I a Good Landlord?

Tenants sometimes find out after they have moved in – not all landlords are created equal. In the immortal words of Bob Dylan, tenants crave proper treatment:

Dear landlord

Please don't put a price on my soul

My burden is heavy

My dreams are beyond control...

Some landlords just fall in love with their property, or it's been their own home and they just can't bear the thought of others in there messing up their carpets. They love it so much they drive by every day and have a good look to see what's happening. They let their emotions take over from what should be their business head.

These landlords act as though the property is their own home when in fact legally and in practice, while a property is tenanted, it "belongs" to the tenant – it's their home, and under the legal principle of "quiet enjoyment" they are entitled to just that. They can live as they please to a large extent.

These landlords decorate their properties to their own tastes, not in a neutral way with wall coverings and carpets that match almost any colour and style. If you have wild preferences in style and colour, with a rental property you are inviting tenants to make changes like re-painting and decorating to their own preferred colour scheme.

You treat your tenants as best buddies, you make a point of visiting them often and getting on like a house on fire, you even send them birthday cards! Big mistake, because when they bring in the new kitten and block the drains with kitchen grease, you find it hard to tackle and chastise them, it's even worse when they start to miss rent payments.

I only rent to friends and relatives! Again, more often than not it's a big mistake. They say if you want to lose a friend, lend them money. Pretty much the same thing applies with tenancies. Eventually relations become strained if your friendly tenants don't behave as you expect them to. Often they will expect favours that other tenants just would not.

Renting property is a business and needs to be kept on a business footing, always treating your tenants fairly but firmly as customers. This way you can take immediate action without encumbrances if things start to go wrong.

You've just got to accept that the tenant "owns his own home" and to some extent you need to overlook minor infringements of your own standards; stay calm, cool and collected when you may be fuming inside, stay courteous, professional, and in control.

In extreme circumstances the one thing to bear in mind, the one thing that keeps you calm and allows you to carry on, is that one day, assuming you know how to go about it properly, this tenant is going to pay: pay for all damage he caused or the rent he owes you, because you will pursue the matter tenaciously, through the courts if necessary, and get back every penny.

More often than not though, it need not come to that if you handle the situation properly. Remember, most tenants (around 95% in my experience) are good to excellent. They look after your property and pay their rent on time. If there are issues they will respond if their misdemeanour or lease rule oversight is respectfully pointed out to them.

A quite word and a businesslike letter (to put it on record), pointing out their breach of the rules and its consequences, will usually bring the tenant into line and prevent any escalation of problems in the future. If this does not work, and the tenant will not listen to reason, then you have a problem tenant on your hands and the relationship may need to enter a different phase. You need to learn how to deal with difficult tenants and there are several other articles here to help you do that.

Developing a good business-like working relationship with your tenant, and often this means keeping contact to a minimum, giving them their personal space, is the key to being a good landlord, and successfully making money from the venture. Having the landlord turn up every five minutes just reminds the tenant that they are a tenant, and that at the end of the month another rent payment will be going out of their bank account into yours.

Half the battle is selecting good tenants. It's far easier to be a good landlord if you have only good tenants and the secret to that is have a comprehensive and exhaustive selection process. That's for another article – see [Selecting Tenants](#).

If you always rent your property to good tenants, then you'll have much less need to worry about the state of your property and you won't need to be nosy. Leave them alone and everyone will be happy. I find that opportunities come naturally when you can keep an eye on things: when the boiler needs a service or there's a minor defect and the tenant calls you in.

If you do need to call, make sure you give at least 24 hours notice, for example, if the gas inspection is due. Most tenants won't mind if you are the type of landlord that likes to inspect, so long as they have time to get ready for you, but as I've said above, often there's no need for formal inspections.

Just bear in mind that most tenants have many concerns about the landlord for various reasons, so always try to be friendly, helpful and attentive and put them at ease whenever you meet them.

Don't be a tight wad. The number of times we get enquiries from landlords asking if it's their responsibility to mend the fridge or toilet, is unbelievable. In a residential property the landlord is responsible for almost everything – that's one big reason and the advantage of renting: it gives tenants the freedom from worry about unexpected bills. As a landlord you take on that responsibility for them.

If it's broken, get it fixed or renewed pronto: it will cost you far less than losing a good tenant and your tenant will think you're the best landlord ever!

There's always two sides to every story and in the landlord-tenant relationship, that's down to the tenant. As a tenant you can help that relationship along and keep the landlord's attention off you by playing by the rules.

Keep the property reasonably clean and tidy, try to get along with the neighbours, don't introduce pets or other residents without permission and make sure your rent is always paid on time.

From a tenant's point of view – and just like bad tenants there's a small proportion of bad landlords – if that does not work, then think about leaving when your tenancy ends. It might teach the bad landlord that looking after good tenants is the way to run a landlording business successfully, but don't hold your breath!

**By Tom Entwistle,  
LandlordZONE®**

If you have any questions about any of the issues here, post your question to the [LandlordZONE® Forums](#) – these are the busiest Rental Property Forums in the UK – you will have an answer in no time at all.

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# Do you have a property to let?

**Kingston Council** has two **FREE** property letting schemes and urgently requires properties of all sizes to let via the **Tenant Finder Service** and the **Private Leasing Scheme**.

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- Guaranteed rent
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- Certainty of getting your property back in the same condition you gave it to us (with an allowance made for fair wear and tear in line with an agreed schedule of condition.)



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## Landlords, managers, and their employees can benefit from safety at work and fire safety courses

Levels 1 to 3 Awards in Health and Safety at Work, Level 2 Award in Environmental Principles and Best Practices, Level 1 in Fire Safety Awareness, and Level 2 Award in Fire Safety courses are now available.

Courses may be run at the Council's training centre near Earls Court, or subject to certain criteria anywhere across London. Visit our website for more details about the above courses and our food safety training programmes.

The Royal Borough of Kensington and Chelsea  
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## Cut The Cost for HMO Licensing in Hammersmith & Fulham

Become an accredited landlord and join the LLAS/UKLAP to take advantage of **our current discount of at least £114 on our HMO licence fee.**

The useful links below for **HMO Properties within 'Hammersmith & Fulham Council'** will help to licence your properties and to comply with the required Health & Safety, Fire Safety and HMO Management Regulations.

### HMO Licensing & HMO Management Regulations:

[www.lbhf.gov.uk](http://www.lbhf.gov.uk) > Housing > Multiple occupancy homes > Houses in multiple occupation (HMOs)

#### Select:

Introduction and definitions > What is an HMO > Regulations > Licensing > HMO brochures and leaflets > External web links

### Fire Risk Assessments:

[www.lbhf.gov.uk](http://www.lbhf.gov.uk) > Housing > Private Housing > Private Housing & Health Service > Regulating Fire Safety > Fire & Gas Safety

#### Select:




Fire Risk Assessment – A Guide (To help you carry out assessments yourself)  
Example Fire Risk Assessment  
Blank Fire Risk Assessment form – To complete yourself  
Landlords Fire Safety Precaution Record

If you have any queries about the above, please call 020 8753 1221 to be transferred to the appropriate officer.

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## The rent-to-renter

### Landlords: know your renters!

It is shocking, but not surprising, that the pressure on the private rented sector has encouraged exploitation of the market. Much has been said about rogue landlords, but now there is a new kid on the block: the “rent-to-renter”. This is someone who rents a property from a landlord and fills it to the brim with subtenants, pocketing a tidy profit. There is not much consideration for the health and safety of tenants, who often pay high rents for overcrowded and potentially illegal lets, and landlords are often unaware they have let to a rent-to-renter and can get into serious trouble. A rent to renter is a business, as they do not live in the property but only profit from it. This means the let will be commercial rather than residential and the landlord may not be able to get the property back easily. The rent-to-renter may let out enough rooms for it to be classed as an HMO, which has to be licensed and comply with additional safety standards. Landlords could be fined substantial amounts of money for not complying. For the full article follow [www.guardian.co.uk/money/2013/jun/29/rent-to-rent-property](http://www.guardian.co.uk/money/2013/jun/29/rent-to-rent-property)

## Useful links

LLAS – [www.londonlandlords.org.uk](http://www.londonlandlords.org.uk)

RLA – [www.rla.org.uk](http://www.rla.org.uk)

SLA – [www.southernlandlords.org](http://www.southernlandlords.org)

Landlord Law – [www.landlordlaw.co.uk](http://www.landlordlaw.co.uk)

NLA – [www.landlords.org.uk](http://www.landlords.org.uk)

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

Landlordzone – [www.landlordzone.co.uk](http://www.landlordzone.co.uk)

Accreditation Network UK (ANUK) – [www.anuk.org.uk](http://www.anuk.org.uk)

Landlord’s useful links and information – [www.landlords-uk.net](http://www.landlords-uk.net)

Fire Protection Centre – [www.fireprotectioncentre.com](http://www.fireprotectioncentre.com)

DCLG – [www.communities.co.uk](http://www.communities.co.uk)

Direct Gov UK: Advice for tenants and landlords – [www.direct.gov.uk](http://www.direct.gov.uk)

Gas Safe Register – [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk)

National Inspection Council for Electrical Installation Consulting (N.I.C.E.I.C) – [www.niceic.org.uk](http://www.niceic.org.uk)

Online Planning and Building Regulations Resource – [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

The Residential Property Tribunal (RPTS) – [www.rpts.gov.uk](http://www.rpts.gov.uk)

Health and Safety Executive – [www.hse.gov.uk](http://www.hse.gov.uk)

HM Revenue & Customs – [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

The Court services – [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)

The Office of Fair Trading – [www.offt.gov.uk](http://www.offt.gov.uk)

The Department of Business Innovation & Skills – [www.berr.gov.uk](http://www.berr.gov.uk)