

Landlord Services: Where are we now?

A summary of some of the recent regulatory changes affecting Landlords

The last two years have seen many changes in the rules and regulations governing residential letting. The burden on the private landlord is ever greater and we appreciate that it can be difficult to keep abreast of these changes.

Here is a brief summary of some of the rules as they apply today.

Steps to take before renting a property

Since 1 October 2015, Landlords are required to take certain steps and provide particular information to tenants. If this is not done, a landlord may be prevented from serving a valid section 21 notice. Best practice is to do all of the following before or at the time the tenancy is granted:-

- Provide the tenant with an Energy Performance Certificate (EPC) free of charge
- Provide the tenant with an up-to-date gas safety certificate
- Give the tenant a copy of the Department of Communities and Local Government (DCLG) leaflet "How to rent: The checklist for renting in England"
- Ensure that the property is fitted with sufficient smoke and carbon monoxide alarms (this now applies to ALL tenancies not just those granted after 1 October 2015)

AND of course you must make sure that any deposit paid is protected in a recognised scheme and that the prescribed information is served. Both must be done within 30 days of the deposit being received. This law is now 10 years old so most will be very familiar with the rules. The penalties for not complying are still a fine of up to three times the deposit and prevention of the service of a valid section 21 notice.

Right to Rent

This change came in nationwide with effect from 1 February 2016. It requires all landlords to check and record the status of their prospective tenants and other occupiers to ascertain whether they have the right to be in the UK before granting a tenancy.

Failure to comply with these rules can lead to a fine of up to £3000.

The legislation creates three broad categories of tenant:-

- Those with an unlimited right to rent;
- Those with a time limited right to rent; and
- Those with no right to rent.

To ascertain which category the prospective occupier falls in to, the landlord must check their immigration status before the tenancy commences. To do this he must obtain certain documents from lists prescribed in the Code of Practice (which can be obtained from the Government website).

This a detailed subject and if you need more information please contact us for our advice.

[Continued overleaf >](#)

New section 21 notice

For all tenancies granted after 1 October 2015, it is now compulsory to use the prescribed form of section 21 notice. We have already set out above some of the circumstances in which a valid notice cannot be served.

Unlike the old notices (which did not have to be in a prescribed form), this notice cannot be served within four months of the date on which the tenancy began (save for replacement tenancies, when the start date is the date of the original tenancy). The notice is only valid for 6 months from service.

The old forms of notice can be used for tenancies pre-dating 1 October 2015, but the new notice can also be used.

Retaliatory eviction

This is a further situation where a landlord might be prevented from serving a valid section 21 notice.

In summary, a landlord may be prevented from serving a section 21 notice if the tenant has made a written complaint about the condition of the property before the notice is served and the landlord has not responded, or not responded adequately to the complaint and then serves a notice.

Again this is a detailed subject and you should contact us for more information if required.

This is only a brief overview of some of the legislation affecting this sector. For more detailed advice of information please contact Richard Bates of Terhi Sygrove at Rothera Sharp on 0115 9100600.

The information set out above should not be relied upon as legal advice and it is important that anyone wishing to utilise the rules referred to should seek proper legal advice before doing so

Meet The Team:



Richard Bates - Partner
0115 852 5835
r.bates@rotherasharp.co.uk



Majid Iqbal - Associate
0115 852 5848
m.iqbal@rotherasharp.co.uk



Terhi Sygrove - Recoveries
0115 910 6269
t.sygrove@rotherasharp.co.uk