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Welcome

The 25 Edition of Jun. 2014
the London Landlord 



Welcome to the latest edition of the London Landlord

In the private rented sector nothing seems to remain the same for very long and perhaps it's just my perception, but the rate certainly shows no sign of slowing and seems to be accelerating. Yet again, since the last edition, there have been several important, and in one case potentially onerous, change to the way landlords and agents will need to carry out their business.

The one event which has the most effect on the UK Landlord Accreditation Partnership and the London Landlord Accreditation Scheme was the launch last month by Boris Johnson, the Mayor of London and the Greater London Authority (GLA), of the London Rental Standard (LRS).

There are still a few administrative issues to be finalised, but for most members of the UKLAP/LLAS there will be no additional requirements. The standard will apply to landlords and agents and a publicity campaign is currently being undertaken by the GLA aimed at landlords and agents. This will be followed by a campaign to encourage tenants to seek out accredited landlords and agents.

The Immigration Act 2014 received Royal assent last month which will require landlords and agents to carry out reasonable checks to make sure that prospective tenants have a legal right to live in the country. It is anticipated that the requirement will be introduced in a region of the country to trail the process before being rolled out across the whole country, probably after the next general election. Formal guidance has not been prepared yet, but there will be significant penalties for those who fail to comply.

Two June publications have been produced which will impact on the PRS. The first is a Government guide to tenants, originally referred to as the Tenants' Charter, but now titled – **"How to Rent – The Checklist for Renting in England"** and sets out the rights and responsibilities for tenants. The second is published by the Competition and Markets Authority, which took over some of the work of the Office of Fair Trading, "Consumer protection law for property professionals" (CMA31) – which is a detailed 98 page document providing guidance to agents and landlords on how to comply with consumer protection law. This is important reading for all the PRS.

Rental deposit law continues its never ending evolution. I find it interesting that according to Professor Ball of Reading University it costs over £275 million per year to deal with £6 million of disputed deposits and yet the

Inside this issue



- ▶ *Foreword by Dave Princep*
- ▶ *Tessa-Lawyer: what is an HMO?*
- ▶ *London Fire Brigade-Know the Plan*
- ▶ *PAT*
- ▶ *New DCLG Plans for PRS*
- ▶ *The Perennial Problem of Rent Arrears*
- ▶ *Warning signs for a Cannabis Farm*

Government's own English Housing Survey has found that the legislation has had no significant effect on the return rate for deposits. In a recent High Court case the judge allowed a s21 to stand even though the deposit money had been protected and the prescribed information given after the notice had been served (but still within the 30 day time limit). Members are recommended to follow the good practice of protecting money first, then serving the prescribed information before serving the s21 notice, but the case does allow leeway if this is not followed. The Government will also be legislation in the Deregulation Bill to deal with the issues raised by the court of Appeal Superstrike case – watch this space.

Some good news is that the Government have just launched an energy efficiency grant of **up to £7600** which is available for both home owners and landlords. The grant is not means tested and although the funds are in excess of £200 million, they will be available on a first come basis. The grant is the Green Deal Home Improvement Fund (GDHIF) and although it complements the Green Deal, there is no requirement to take out a Green Deal loan or have the premises assessed for Green Deal.

I hope you enjoy this edition and finally following popular demand we will be running another London Landlord Show later in the year, more information will follow.

Dave Princep - Chair UKLAP/LLAS

place

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London Landlord Accreditation Scheme

Place Group UK | London Rental Standard

On Wednesday 28th May, Rob Hunter, Managing Director of Place Group UK became the first private landlord and housing supplier to be awarded Mayor Boris Johnson's 'London Rental Standard' badge of accreditation.

The Mayor personally visited one of Rob's properties in Haringey North London to discuss the benefits of accreditation, meet some of his tenants and to hear about their positive experiences of renting from an accredited landlord, in comparison to past less positive experiences.

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Specialist landlord & tenant lawyer Tessa Shepperson answers landlords' FAQ. In this issue: HMO Legal Basic – What is an HMO?

What is a House in Multiple Occupation (HMO)?

Confusingly, there are four different types of HMO. The HMO definition we are going to look at today is the one people generally think of in connection with HMOs and landlords legal obligations.

It is the definition set out (at great and confusing length) in s254 onwards in the Housing Act 1988. It is the type of HMO which is the main subject matter of this series, and is the one we are generally referring to when we say 'HMO', although we will also refer to it as a 'Type 1' HMO.

What sort of situation will create a Type 1 HMO?

This can be:

Either a building with living accommodation which is not self-contained flats (i.e. a building with bedsits or a shared house, OR

It can BE a self-contained flat (but shared)

In either of these situations the following must apply:

The living accommodation is occupied by people who do not form a single 'household'

- They either occupy this property as their main home or are treated as occupying it as their main home.
- They pay rent or an equivalent in cash or other goods (or at least one of them does).
- They don't use the living accommodation for anything else (i.e. they don't run a business there) - this is often referred to as the 'sole use' condition.
- They share one or more basic amenities (or the property does not have basic amenities).

What is a household?

The concept of a 'household' is an important one. A 'household' is made up of someone who has living with them:

- Their family (including partners living together as man and wife/ same sex partners, half blood relatives and step children). This definition is pretty wide as it includes grandparents, grandchildren, uncles, aunts, nephews, nieces and cousins. It does not include in-laws however. There is no central measuring point to the test either so provided that a chain of relationships is maintained that all fall within the definition then some fairly disparate people can be one household. Therefore I, my cousin, and my cousin's cousin can all form one household as we are linked by a chain.
- People who perform a paid domestic service where living in the property is a part of their job (e.g. a live in nanny)
- Their carer, if they are receiving care

(The government has power to add further definitions in the future)

You should note that the manner in which the people actually live is irrelevant. Therefore three friends sharing will never form one household even if they all eat together, share all the bills, and otherwise behave as a family.

People treated as occupying a property as their main home:

You may have noticed that above, we talk about people being 'treated as occupying a property as their main home'. What is this?

This is a situation where someone does not necessarily use the property as their main home, but are treated for the purposes of the HMO legislation as if they do. These are:

- Students
- People living in a refuge (e.g. because they have left their home due to violence or abuse)

- Asylum seekers, and
- Migrant workers who are receiving accommodation as part of the payment for their work.

Basic amenities

These are described in s254 of the Housing Act 2004 as

- (a) A toilet,
- (b) Personal washing facilities, or
- (c) Cooking facilities

For this type of HMO, the occupiers must share one or more of these facilities.

HMO Declarations

As you can see from the information above, which is a very brief and condensed description of the legislation, there are a lot of variables. Often there is disagreement between landlords and Local Authorities (who do most of the regulating) about whether a property is an HMO, or not.

One of the main areas of argument is around the sole use condition which requires that an HMO is the sole use of a property for the legislation to apply. If the property comes substantially within the definition of an HMO except for the sole use condition then a Local Authority can serve an HMO declaration notice if they consider that this is the case.

If you do not agree with this, you can appeal but you must do this within 28 days or as set out in the Notice. However you are strongly advised to get some proper legal advice before you do so.

For the other three types of HMO and the rest of the series, visit www.landlordlawblog.co.uk/hmo

This article is one of a series: [HMO Legal Basics](http://www.landlordlawblog.co.uk/hmo) which you can read for free on the Landlord Law Blog (www.landlordlawblog.co.uk/hmo). The series is collaboration between Tessa Shepperson and David Smith of [Anthony Gold Solicitors](http://www.anthonygold.com).

Tessa Shepperson



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London Fire Brigade's urge private landlords to 'know the plan'

London Fire Brigade has launched a new campaign targeted at those who live or own high rise and purpose built properties. The campaign follows a shocking survey (2) commissioned by the Brigade that found that more than half (60%) of all London's high rise residents – or around 760,000 high rise households – don't have a fire escape plan.

Fifty per cent said they would get out of their flat even if the fire was somewhere else in the block, which can be the most dangerous thing to do when a fire is not affecting your home.

To tackle the confusion head on, a new website www.knowtheplan.co.uk is full of materials, to help ensure landlords and housing providers act on their fire safety responsibilities and people living in flats in purpose built blocks and maisonettes have a clear understanding of what to do in a fire.

The campaign follows recommendations made by the Coroner following the inquest into the 2009 Lakanal fire, where six people lost their lives (3).

London Fire Commissioner Ron Dobson said:

“Living in a flat is not more dangerous than living in a house, but it's important to know that your fire plan should be different. Flats and maisonettes are built to give you some protection from fire – a minimum of 30 minutes and up to 60. Walls, floors and doors will hold back flames and smoke for a time. If there is a fire elsewhere in the building but not inside your home you're usually safer staying in your flat unless heat or smoke is affecting you.”

As part of its 12 month 'Know the Plan' campaign, the Brigade will be promoting its new dedicated website www.knowtheplan.co.uk to those responsible for high rise and other purpose built flats, as well as those living in them, so they can get the advice and guidance they need.

The campaign has three main aims:

1. For all types of landlord and housing provider in London to check their responsibilities under fire safety law and ensure they communicate fire safety information and guidance.
2. Encourage people living in purpose built flats and maisonettes to visit www.knowtheplan.co.uk and learn what to do in the event of a fire.
3. Ensure people living in purpose built flats and maisonettes know how to find fire safety information and who to find it from.

The results of a YouGov poll commissioned by the Brigade found that 24% of Londoners live in high rise or other purpose built blocks of flats/ maisonettes. Of these:

- just 40% said they had an escape plan in the event of a fire in their flat/maisonette
- 50% said they would get out if there was a fire outside their flat but in their building while 44% said they would stay put and;
- Worryingly, while 71% said they would get out if there were a fire in their flat, 24% said they still would stay inside to call 999 rather than getting straight out.

Notes to editors:

- (1) Figures quoted refer to the number of fires in residential buildings of six storeys and above during the calendar year ending 2013
- (2) The YouGov polling was carried out twice on the week commencing 4 November 2013 using a representative sample of 2,899 Londoners – 24% of which lived in purpose built block of flats or maisonettes giving a sample of 715 people for subsequent questions. The figures have been weighted and are representative of all London adults (aged 18+).
- The [2011 census](#) recorded 3,387,255 homes in London of which 1,274,526 were flats/maisonettes in purpose built blocks. The YouGov surveys commissioned by London Fire Brigade showed just 40% (509,810) of those households have an escape plan.
- (3) In 2009 six people died in a fire at the Lakanal House tower block in Camberwell, Southwark. Following the inquest into the deaths of the six people, the Coroner made a number of recommendations to London Fire Brigade, Southwark Council and the Department for Communities and Local Government to prevent a similar tragedy from happening again. Five of the recommendations were made to the Brigade, four of which related to operational procedures and one to increasing public awareness of fire safety.

Vicky Hardman

News Manager

London Fire Brigade

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YOUR TENANTS, YOUR RESPONSIBILITY -

AICO LAUNCHES LANDLORD'S GUIDE TO SMOKE & CO ALARMS



Aico has launched an easy to use guide to smoke and Carbon Monoxide (CO) alarms specifically for landlords in the private rental sector.

Aico's Landlord's Guide is designed to be informative yet concise for busy landlords who want to understand how to best protect their tenants from the dangers of fire and CO poisoning in the home.

The Landlord's Guide explains the responsibilities a landlord has to their tenants in regards to fire and CO guided by the British Standard for domestic fire alarms systems - BS 5839-6:2013; and the British and European Standard for CO alarms systems – BS EN 50292:2013 – and the legal requirements, some of which vary across the UK.

Whilst most people fully realise the danger of fire in the home and the need for smoke alarms, CO poisoning is less well publicised. Within the Landlord's Guide,

therefore, Aico explains why CO is so very dangerous and where a leak can come from – dispelling some misconceptions along the way. CO is a silent killer – you can't see, smell or taste it - the only way to detect a CO leak is with a CO alarm.

The Landlord's Guide recommends what type of alarms you should use and where they should be fitted within a property, also explaining why alarms should be interlinked / connected together, and provides valuable advice on ways to minimise mess and disruption when the alarms are being fitted.

The Landlord's Guide also explains how to search for an Aico Trained Installer to find an electrician that fully understands the needs of landlords, the regulations and the technology.

Landlords can register for their free copy of the new guide on www.aico.co.uk in the Landlord section of the website.

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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



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www.bluewatch.co.uk or call 0300 555 0220

Q&A with London Shared



A London Shared property in Chiswick



Jake Willis, co-founder of London Shared

In past newsletters, readers have been introduced to the shared accommodation specialist and platinum sponsor of the 2014 UKLAP Awards, London Shared. While the seven year old company's proven business model sounds attractive (They rent properties from landlords for long, fixed-term tenancies, furnish them and then let out the rooms to working professionals – all while managing the property and paying guaranteed rent.), it leaves interested landlords wanting more information. Jake Willis, co-founder of London Shared, attempts to answer some of the more popular questions from landlords below.

Q. Are you estate agents?

A. No. London Shared has only one line of business: we rent properties from landlords and provide accommodation to working professionals. Our service maximizes the property's value through effective ongoing management, while giving landlords the freedom of NOT having to deal with tenants and estate agents.

Q. So you're property managers then?

A. Yes. We sign 3-year commercial contracts with landlords to take charge of the property, effectively becoming the tenant. During that time, we pay the landlord a guaranteed rent, in advance, every month, regardless of the building's occupancy. We do all the maintenance on the property, and we take the midnight phone calls from shivering residents whose radiators have suddenly gone on the blink. Fining residents, keeping them happy and collecting their rents becomes London Shared's responsibility. That is why, from the landlord's perspective, we believe we are the perfect tenant.

Q. What types of properties do you deal with?

A. Mostly 3, 4 and 5 bedroom flats / houses or blocks of studios. If you own a property like this, and you prefer not to have the hassle of managing it on a day-to-day basis and finding tenants, our service is worth considering.

Q. What are the charges associated with your service?

We charge nothing to our landlords for the service we provide. We make our money on the differential between

the rent we pay to the landlord and the rent we collect from residents. We charge our residents a slight premium for providing high-spec rooms that are inclusive of utility bills and have weekly cleaners.

Q. How do you find and evaluate potential tenants?

A. Over a number of years we have built relationships with well-known companies, relocation agents and recruitment consultants who approach us to find accommodation for their staff. We advertise via our website, online and in print. We also receive many referrals via previous and current tenants. Though we consider references from previous landlords and employers very important, we feel that gut instinct is just as vital.

Q. What kind of contract do you use?

A. We provide a commercial agreement that has been tailor-made for our business model. Effectively, this makes us your sole tenant for a period of 3 years and gives us the authority to manage the property on your behalf. As for our residents, they typically sign 6-month tenancy agreements, and extend from there (our running average tenancy is 12 months, so turnover is very reasonable).

Q. How do you value properties, and how quickly do you make an offer?

A. We will make an offer we feel is fair based on market conditions in the area where the property is located. Since we don't renegotiate halfway through the lease, and there are no break clauses, we are very careful to offer a figure that will be commercially viable for London Shared and you. Having said that, we also know exactly what we are looking for, so we are able to make offers within 24 hours of viewing a property. And whatever we offer at that time is what we will stick to for three years.

If you still have questions or would like to book a valuation, please visit www.londonshared.co.uk for more FAQs and company contact details.

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And as our track record shows, they seem to like it this way.

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Portable Appliance Testing (PAT)

The law is somewhat confusing when it comes to the safety of appliances left by the landlord for the use of the tenant. Whilst it does not compel you to test the appliances, it does require you to ensure that you provide a safe environment, which also includes ensuring that all the appliances, which you leave, are safe to use. It also requires you to provide written evidence, when requested, that you have complied with this regulation and ensured that the appliances were safe.

A question to ask yourself is, "How do I prove the safety of an appliance when asked to do so?"

The fact is that Portable Appliance Testing (PAT) is the only method by which appliances can be proven to be safe for use and a record of the test used, as specific proof of that safety. A further issue to be considered is, how will your insurers react to a claim, after an insured event, if a faulty appliance is identified as the reason for the problem and you are unable to provide the written evidence, which proves that it was deemed safe to use?

In achieving accredited status, you agreed to abide by certain levels of procedure which ensure that standards are raised for the improvement of the lettings industry. The London Landlord Accreditation Scheme (LLAS) and the recently launched London Rental Standard are the forerunners for these improvements, and the standard clearly states a requirement to ensure that you comply with the 'safe environment' regulation, in addition to ensuring gas safety and the safety of the electrical wiring.

So, considering the minimal cost involved, doesn't it make sense to use PAT testing to protect against your potential liability, increase the safety of your tenants and also improve the way that your industry is perceived?"

If you would like more information on PAT testing, please click [here](#) to visit the PAT section of our website or alternatively call either Jacques, Martine or Shelly on 01707654600 and we will be more than happy to help you.

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Age UK Camden – A new e: learning and e: information resource for the Boroughs’ landlords & letting agents.

According to the Office for National Statistics, there will be over 16.1 million pensioners in the UK by 2040. This rapidly ageing population will certainly have an impact on the housing market and offers opportunities for the Private Rented Sector to secure trustworthy tenants who are likely to stay in the same place for longer than many younger tenants. But what about the ongoing support and the many other everyday problems landlords or letting agents may face when managing properties with older or more vulnerable tenants?

As every decent landlord or letting agent will tell you, managing properties is relatively easy until there is a problem, that’s when being suitably prepared and well informed can quickly prevent a relatively small problem escalating into something far more serious.

Age UK Camden aim to address ‘Head On’ this gap in the market for age specific advice and support by developing a new e: learning and e: information resource for the boroughs **Private Rented Sector Landlords and Letting Agents.**

The new resource will aim to provide practical solutions to those everyday problems faced when managing properties with older tenants including quick access to technical advice linked to adapting properties, disabled facility and warmth and energy efficiency grants, problems with rent and through a new ‘On-line Referral and Enquiry Form’ gain quick access to Age UK Camden’s dedicated Information, Advice and Advocacy Service, who help older people claim thousands in unclaimed benefits and also help your tenants get extra support with personal care.

The primary aim of the resource is simple - Improve the general health and wellbeing of older private rented sector tenants in Camden and at the same time protect a landlord’s rental income.

Become a stakeholder

The resource is currently in its trial phase, and Age UK Camden would like to invite Camden landlords and letting agents to become stakeholders on the project and by doing so influence the design of the new final resource and ultimately contribute to the success of the project.

Interested landlords and letting agents should contact Alan Elborough – Consultant for Age UK (Camden) via email Duty@ageukcamden.org.uk or the mobile **07739 405486.**

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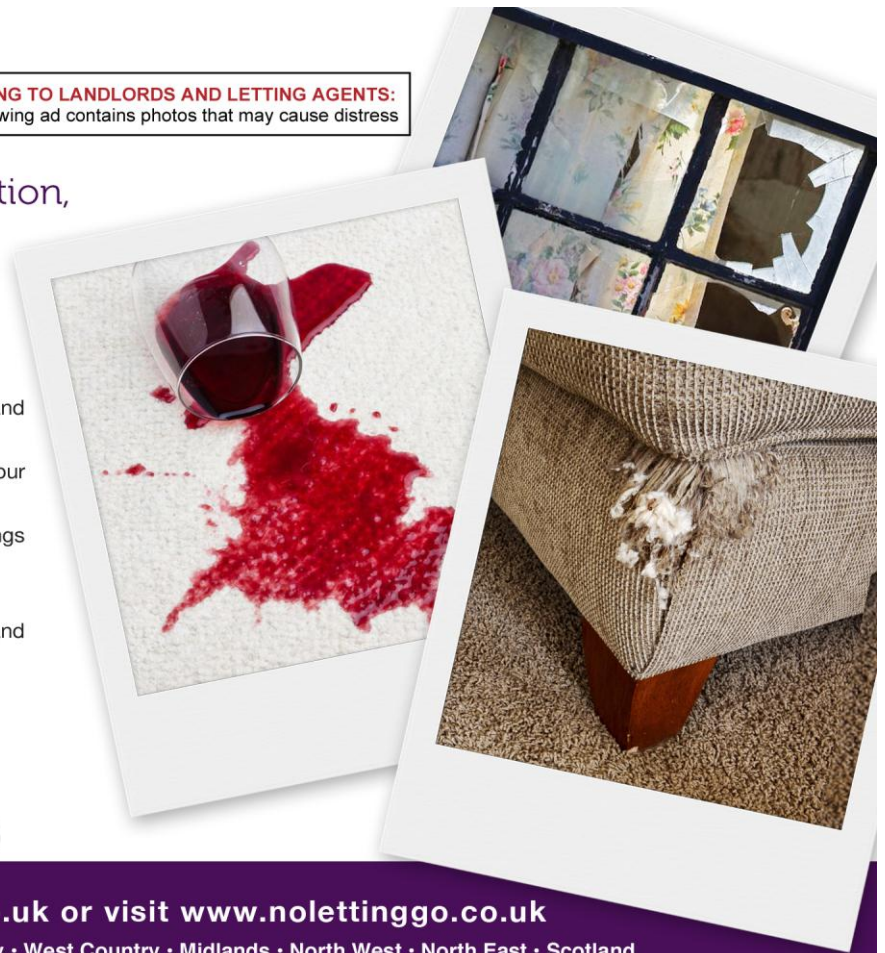
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That's why we're rewarding all accredited members of the London Landlord Accreditation Scheme **FREE home emergency cover*** when you purchase your landlords buildings insurance through us.

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New DCLG Plans (Department of Communities and Local Government)

Every few month people in local authorities get these policy documents from government, asking for statistics about the world and his wife and recommendations for dealing with a variety of crises.

In March there was a last minute 'Chase up' message on the vexed subject of how to deal with retaliatory evictions.

Now I'll presume that readers of this newsletter are decent landlords, which is why you bothered to get yourself accredited, so you may not know what retaliatory eviction actually is, so I'll explain.

This is a phenomena that takes advantage of the facility that allows a landlord to end a tenant's contract on 'no fault grounds', namely the fixed term has come to an end and no case need be proven to get a possession order, when the tenant has made some form of complaint about the property or the landlord.

The DCLG said in a recent report that they receive more than 1,000 complaints a year of retaliatory eviction. This is curious enough on its own as who complains to the DCLG? These complaints go to council advice and enforcement teams so the figure is likely to be considerably higher. As a result of all the councils chipping in with their suggestions the smart money is on expanding two existing enforcement tools.

Firstly Rent Repayment Orders (RROs). These are currently used for unlicensed Houses in Multiple Occupation (HMOs). If a landlord needs a licence but doesn't have one then not only can they be prosecuted but also the council can use an RRO to claim back housing benefit for 12 months on every tenant living in the property.

Penalties under RROs are dealt with by the Residential Property Tribunal and can easily run into the tens of thousands of pounds.

In addition landlords of unlicensed HMOs are not allowed to serve the fabled section 21 notice which enables them to get possession easily under the no fault grounds.

DCLG plans which they are mulling over for the time being include the notion that RROs and blocks to section 21 could be widened in scope to include properties with very poor conditions, especially when eviction comes as a result of the tenant complaining about those conditions.

Apparently this models existing legislation currently used in Australia and New Zealand. It is also being suggested that RROs can be used where landlords illegally evict their tenants, as well as bringing in an unlimited fine for illegal eviction instead of the current £5,000 cap.

All of this would be a boon to council enforcement officers as quick and effective sanctions for slum properties and criminal landlords. Most existing legislation is cumbersome and ineffective.

Not such good news for landlords I expect, I have read much furore on the various landlord online communities about this and concerns that they are going to find themselves subject to enforcement even if their tenants makes a complaint about a blocked sink. To my mind these fears are groundless. No council in the land would have enough resources to cope with thousands of trivial complaints and if the proposed legislation is not rigorously drafted, cases will fall apart in court which would defeat the purpose.

What I think is most likely to happen is that the criteria will be tied to the Housing Health and Safety Rating System (HHSRS) which makes the presence of Category 1 hazards (A danger to life and limb) already a punishable offence.

If environmental health officers identify a Cat 1 hazards then that should be an effective enough determinant to stand up to appeals and defences, given that the legislation that would allow the assessment is already proven and tested.

What may make the proposals less than useful is if the defining criterion is to be a prosecution under the HHSRS (Housing Health & Safety Ratings System) first as opposed to merely identifying the hazard, as this leads to more procedural red-tape, which is part of the problem now in trying to tackle Shelter's fabled rogue landlords.

Of course accredited landlords such as yourselves, have nothing to fear if this is the case. This legislation is proposed for the numerous slum landlords who do exist.

Having said all this government do seem to waking up on the subject of Rachmanites. True they are probably only about 1%-2% of the landlord population but in terms of numbers this is still several thousand individuals and companies, particularly in London where the PRS has doubled in size over the past 10 years.

Nobody supports criminal landlords. Enforcement officers want them punished; landlords and agents also want them dealt with as they give the decent ones a bad name. If these new proposals are brought in then a significant tool will be given to local authorities to tackle the problem and this should be applauded throughout the industry as a whole.

Ben Reeve- An enforcement officer for a London authority.

London Borough of Hillingdon Private Sector Landlords Forum 2014

- Tuesday 16 September 2014
- Tuesday 2nd December 2014

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
LBHF	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

London Borough of Tower Hamlets Landlord Forum Dates 2014

- Wednesday 16th July
- Thursday 16th October

Registration is from 1.00pm and the Forum starts at 1.30pm

All forums will be held at Room 101, London Albert Jacob House, 62 Roman Road, London E2 OPG

These are free events and there will be refreshments and an assortment of sandwiches/rolls and fruit.

Southend-on-Sea Borough Council PRS Landlord Forum

On: Friday 18th July 2014

Time: 2.30pm to 5.30pm

Venue: at the Tickfield Centre,
Tickfield Avenue, Southend on Sea

To register your interest, please email:
karenfinn@southend.gov.uk or Tel:
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Refreshment will be available on the day

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Accommodation for Students (AFS)



Accommodation for Students (AFS) is the UK No.1 Student Accommodation search engine featured Google No.1 position for Student Accommodation, attracting over 2.5 million visitors per annum. The website is a one stop shop for student accommodation, featuring all types of private rented student accommodation, provided by landlords, letting agents and private halls in over 90 UK university towns and cities. Recently awarded Best Website at the 2013 Landlord & Letting Awards the company continues to grow from strength to strength, continuously adding new additional services.

In 2012 AFS joined forces with UNIPOL (the student housing charity) to create the AFS UNIPOL CODE, a successful UK wide accreditation scheme for student housing in the UK which includes the physical inspection of student properties by trained verified property assessors.

Web: www.accommodationforstudents.com



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<http://www.greenassessors.co.uk/>



The Big Green Energy Company

Back in March 2010, The Big Green Energy Company was the first Solar PV installer to get MCS (Microgeneration Certification Scheme) approval in Greater Manchester. After redeveloping its business model, the company was one of the first in the country to become a Green Deal Provider in November 2012. Since then it has successfully installed many heat saving measures for happy customers throughout the UK.

In 2014 the company looks to further expands its operations and relationship with Green Deal installers and assessors, as the next phase of the Green Deal comes into effect, landlord properties with tenants.

Visit www.greendealpoints.com

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The Perennial Problem of Rent Arrears

Rent arrears are an all-year-round problem which landlords constantly come up against. Certain times of the year, like Christmas and holiday times, are typically when tenants get themselves into trouble with their finances, and rent arrears are often the result.

Rent arrears are still by far the most common reason why landlords seek to evict tenants, despite some recent charity organisations' claims that retaliatory evictions following tenant's complaints are on the increase. Is this an attempt to build a case for more tenant-friendly legislation?

I have dealt with this rent arrears issue in one form or another many times before, but I think it's an issue worth revisiting, so I picked some questions on this out of our LandlordZONE® mailbag.

If you've been a landlord long enough you are sure to have experienced that sinking feeling when you scan your bank statement for incoming payments only to find there's something missing. You do a double take and sure enough one of your tenants' payments has been missed this month. You doubt yourself and check again, but no, it's definitely not there.

I always insist on rent payments by Standing Order (SO) and I've never had a problem getting working professionals and likewise commercial tenants to pay this way. It's not so easy with Housing Benefit (HB) tenants though. I have always found that SO payments are a great advantage as rent is always paid on time, there's no waiting for cheques or chasing tenants, and tenants tend to forget about their rent – it just pops out of their bank into yours every month.

It's rare that banks make mistakes on standing orders (I've never known one to occur in over 30 years), despite the claims often made by tenants in trouble, so either your tenant has insufficient funds in the bank or they stopped payments.

There are three possible scenarios here: (a) tenants can't pay but want to, (b) tenants won't pay because of some problem they are having with the rental, or (c) they are trying to get free accommodation and are willing to tough it out on no rent until they are evicted. They then play the same scam on some other unsuspecting landlord.

Tenants will rarely contact you to tell you there's a problem; they probably want to buy some time, so it's up to you to find out about the missed payments. Not monitoring payments is a cardinal sin as you are then losing the opportunity to act quickly and impress on your tenant the seriousness of the situation. If you let the tenant get away with one month's missed payment without a challenge, then they might think you don't care, and will try it on even more.

Leave your emotions at the door: there's no point in getting angry and firing off at your tenants whatever their reason for not paying. It won't do any good and could get you arrested for harassment, which is a criminal offence. Just take satisfaction from the knowledge that if you deal with the situation supportively and calmly you will eventually get your recompense, and what's more the courts will be more likely to assist you.

As soon as a rent payment is missed you should move into action. Contact the tenant/s by telephone or e-mail if you can or otherwise in person (it's important to have a witness with you) to try to establish the reason for non-payment. Offer assistance by way of help with HB claims or a temporary re-scheduling of payments, but don't be surprised if your tenant does everything in their power to avoid you.

Immediately follow up your contact (or non contact) with a letter (get proof of postage). You need something in writing as evidence for any future court action and to show the judge how you dealt with the situation.

Your letter should contain:

The **Rent Arrears Letter** – this explains how serious a matter rent arrears can be if the tenant/s wants to keep a roof over their heads and the measures they can take to get back on track

1. A **Rent Payments Schedule** – this is in spread-sheet format showing dates rent is due, when it was paid and when it was missed.
2. A **Reason for Non-Payment Form** – this form lists all the main reasons why rent is not paid and asks the tenant to sign it and return. This provides very valuable evidence if you can get it as it prevents the tenant coming up with spurious reasons, defences and counterclaims in court.
3. Service of a Housing Act **s21 and s8 notice** – this starts the clock ticking on these notices in case you decide to use one or the other at a later date.

All these documents can be downloaded here: www.landlordzone.co.uk/documents

Every week until the situation is resolved send another reminder letter with an up-dated Rent Schedule, but try to avoid personal contact if the tenant is not cooperating. When the notice period expires you will need to decide whether to go through the court eviction process (s21 is always the preferable route) and a follow-up money claim.

Section 21 is a no blame, no reason required route to a possession order but requires a 2 month notice. Section 8 is a shorter notice (2 weeks) but you risk the tenant filing a defence or even a counter claim against you – it does not always lead to a successful outcome and can even end up leading you into protracted and expensive legal wrangles in court.

Gaining possession is a three-stage process: serving the required notices (get proof of service), applying to the court for a possession order and finally, if you need to, applying to have the court bailiff evict the tenant. The whole process can take several months.

If the arrears are substantial and you feel the tenant is able to pay, eventually, (this usually means working and professional people) then it's well worth pursuing the debt through the small claims system.

If you feel confident, and you are willing to do a bit of homework, you can manage this whole process yourself, otherwise think about using one of the eviction specialists or a solicitor advertising their services on our website

Tom Entwistle is an experienced landlord and editor of www.LandlordZONE.co.uk ®

The warning sign to look out for to ensure your property is not being used as a cannabis farm:

- Paranoid behavior from tenants
- Excessive fortification (internal & external)
- Silver ducting tape hanging out of windows.
- Gas cylinders.
- Bin bags filled with vegetation.
- Pungent smell.
- Humidity – condensation on windows, peeling wallpaper, mildewed walls.
- Sudden increases and decreases in electricity bills.
- Electrical wiring tampered with.
- Powerful lights on day and night.
- Blocked out windows.
- Unusual amount of activity when tenants first move in.
- A large number of visitors (day and night).
- Noise.
- Plants, lights and reflective materials.
- Bulbs, soil, fertilizer.
- Bubble bags.
- Scales.
- Self-seal bags.
- Low level hanging equipment.
- Excessive use of deodorizers and air freshener.
- Flasks, beakers, rubber tubing.

Do you have a property to let?

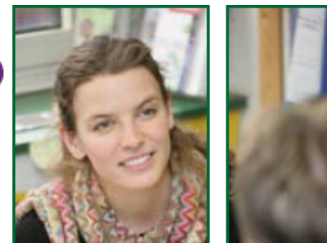
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Useful links

LLAS – www.londonlandlords.org.uk

RLA – www.rla.org.uk

SLA – www.southernlandlords.org

Landlord Law – www.landlordlaw.co.uk

NLA – www.landlords.org.uk

TDP (The Deposit Protection Service) –
www.depositprotection.com

Landlordzone – www.landlordzone.co.uk

Accreditation Network UK (ANUK) – www.anuk.org.uk

Landlord's useful links and information –
www.landlords-uk.net

Fire Protection Centre – www.fireprotectioncentre.com

DCLG – www.communities.co.uk

Direct Gov UK: Advice for tenants and landlords –
www.direct.gov.uk

Gas Safe Register – www.gassaferegister.co.uk

**National Inspection Council for Electrical
Installation Consulting (N.I.C.E.I.C)** –
www.niceic.org.uk

**Online Planning and Building Regulations
Resource** – www.planningportal.gov.uk

The Residential Property Tribunal (RPTS) –
www.rpts.gov.uk

Health and Safety Executive – www.hse.gov.uk

HM Revenue & Customs – www.hmrc.gov.uk

The Court services – www.hmcourts-service.gov.uk

The Office of Fair Trading – www.offt.gov.uk

The Department of Business Innovation & Skills –
www.berr.gov.uk