

Q&A for residential landlords

Dispute Resolution

For more information ask to speak to a member of the team at:

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Q. Do I have to carry out any checks on tenants from other countries?

A. Yes. The law states that private landlords of residential premises are prohibited from letting to certain immigrants. If a tenant is not a relevant national or does not have leave to enter or remain in the UK you can be prosecuted for up to £3,000 per tenant.

Q. Surely it's the tenant's responsibility to install smoke and carbon monoxide alarms?

A. Firefighters can not express enough the importance of protecting yourself and others with alarms and detectors. As landlord, you can be fined up to £5,000 if there are insufficient smoke and carbon monoxide alarms in the property. The landlord is responsible for carrying out checks on each alarm on the start date of the tenancy. This fine is issued as a warning that the landlord is responsible – there is little defence for putting lives at risk. If you are unsure about the best places to position alarms, contact the property's local fire department who will be more than delighted to assist.

Q. I've paid the deposit in to a government approved deposit protection scheme. What next?

A. The deposit protection scheme will have a 'prescribed information' form for your tenant to sign to acknowledge the deposit has been protected, the reference number and the terms of the scheme. It is your responsibility to ensure the tenant has received the prescribed information. Ideally get a copy signed by the tenant to prove it has been provided. Failure to serve the prescribed information can lead to a s21 Notice Seeking Possession being invalidated and an order that you return the deposit plus a fine of up to three times its value – happy tenant!

Q. I just need to send the deposit scheme prescribed information, right?

A. Not quite. New legislation provides a list of documents which landlords of tenancies commencing on or after 1st October 2015 must provide to the tenants. The list includes: a government guidance booklet; gas safety certificate; energy performance certificate; and electrical inspection record.

Q. My tenant has complained about the condition of the property. What do I do?

A. You must respond with an adequate course of action within 14 days. The tenant can notify the council at any time, who may issue a notice against you. Subject to limited exceptions, a s21 Notice Seeking Possession will be invalid until the matter is dealt with – and a further 6 months if the council is involved.

Q. At the end of the fixed term, do I need to serve the Deposit Protection prescribed information on the tenant again?

A. No. Previous case law suggested that when the tenancy became periodic at the end of the fixed term, the landlord had to re-protect the deposit and reserve the prescribed information on the tenant. New legislation has settled this debate, and the landlord does not need to do anything in terms of the deposit if the tenant is to remain on a periodic basis.

Q. The tenant has vacated the property, leaving belongings behind. What do I do with them?

A. Congratulations - you now have a new title of 'involuntary bailee'. Unfortunately, this is not a happy gift from your recently departed tenant. Unless the tenancy agreement says otherwise, the belongings remain the property of the tenant and you are liable for any damage or loss for six years. There is some good news if you can establish the belongings have been abandoned. Landlords must be very careful when moving through the stages of the statutory procedure for proving abandonment, as the tenant can return within the six year period to claim its belongings or the value of the same – so don't be tempted to recover rent arrears from the furniture and tv left behind just yet.

Key Contacts

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