

LANDLORD INFORMATION PACK

Mather Marshall Lettings has established itself as one of the leading letting agents in this area.

Our letting department has been established a number of years, and is a separate company to the sales side, the principals of which are Debbie Norris and Alan Norris. Our services are designed to suit the landlord first to ensure a successful letting of your property.

Tenants

Finding the right tenant for a property is fundamental. We start with using a credit reference company,.

Rent

We will access the property first, and indicate to yourselves a realistic rental figure, which should be open to some negotiation, if required.

Deposit

We request a deposit of 1.5 times the monthly rental, which is used to guard against any damages/dilapidations. We recommend all landlords to check the property between tenants. As from 6 April 2007 any person holding deposits must be insured or bonded to an affiliated company, otherwise you are unable to hold a deposit. There is cost of £40.00 + VAT per deposit held by Mather Marshall Letting, this is to cover the insurance premiums.

Commencement of Tenancy - Inventory

The tenancy commences on the date shown on the tenancy agreement. Prior to the tenant moving in an inventory and schedule of condition of the property must be done, it is recommended that you arrange for an inventory company to compile this document, as if there is any disputes arising regarding repairs/damages at the the expiry of the tenancy with the tenant, you are able to use the inventory as evidence, without this you are unable to ascertain the condition of the property, therefore you will not be able to claim any compensation.

Tenancy

All new tenancies are for a maximum of 6 months initially. After 4 months we will write to both yourselves and the tenant to ask if you wish to extend the tenancy for a further 6 months, an extension document will be sent to yourselves and the tenant with a two/one month break clause . If you do not wish to extend please let us know immediately.

Vacation Notice

When the tenancy commences we automatically issue a Section 21 (1) (b), requesting the property back at the end of the 6 months contact. A fresh Section 21 (1) (b) is issued for every tenancy and extension.

Inspections

We endeavour to inspect the property on a regular basis, these inspections are noted and any comments are forwarded onto you, a copy of which is also given the tenant.

Repairs

Every property will need work/repairs carried out at some stage. We have contractors who will do their utmost to carry out any work quickly and cost effectively. We will contact you if the repair will cost over £150.00.

You do have an obligation to have any reported repairs/work carried out once the property has been tenanted, remember tenants have rights, tenants can call the Environmental Health if repairs are not attended to quickly, ensuing a 'enforcement order' which could include extra costs/repairs.

*“In the Landlord & Tenants Act 1985 under section 11, it is implied as a convenient in the tenancy agreement that the landlord is:

- (a) to keep in repair the structure and exterior of the dwelling (including it’s drains, gutters and external pipes).
- (b) To keep in repair and proper working order the installations in the dwelling, for sanction and for the supply of water, gas and electricity as well as those for space heating and heating water”

*(journal for residential property professionals – July 1996, issue 2, volume 4)

Instruction Manuals

Please ensure that instruction manuals are left at the property for boilers/heating/appliances, this will ensure tenants can rectify small problems themselves.

Gas Appliances

It is a legal requirement that every gas appliance and gas central heating system has to be inspected by a CORGI registered gas engineer annually, and a copy of the certificate must be supplied to both agent and tenant.

We can arrange for the safety certificate to be carried out for you by our local gas engineer. Central heating systems do break down, unfortunately it always seems to happen at the most inconvenient of times. The cost of repairs can be substantial and there is often little option but to get the work done. We do recommend that you contact British Gas regarding their service contracts, which can be paid monthly. If you decide to go this route we will need the service contract number. We also recommend that a gas check (visual) is done between each tenancy, for safety reasons. To avoid any problems.

Electrical Portable Appliance Test

Electrical Safety Regulations came into force 1 June 1989, and apply to all electrical equipment that is designed or adapted for use between 50 and 1000 volts.

These electrical appliances should be checked before every let. If there is any doubt as to the safety of any electrical equipment, then it should be removed. Therefore, be vigilant when you see worn or cut flexes, broken casings or other safety defects. The inspections/test must be done by a qualified electrician, who can supply a certificate, this test must be done annually or when a new tenant moves into the property.

Electrical Wiring

Product Safety Regulations 1994, specifies that anything supplied within the property must be safe, and therefore, the fixed wiring does need to be checked. It is recommended that all wiring is checked and certified as safe every 4 years and carried out by a certified NICEIC registered contractor.

Copies of these regulations can be obtained from HMSO Publications Centre, PO Box 276, London SW8 5DT.

Smoke Detectors

All Bedrooms in HMO properties MUST have smoke detectors hard wired installed and inter linked. Smoke detectors must also be installed in hallways and communal rooms, with emergency lighting. Heat detectors MUST be installed in kitchen areas.

Fire Doors for HMO Properties

All bedroom doors **MUST** have a 25mm depth by not less than 30mm fire resisting door, self closing mechanism. Where timber frames are used, an intumescent strip must be inserted. Also there must be a second exit marked Emergency Exit from bedrooms off of kitchens.

Locks for HMO Properties

All Bedroom doors **MUST** have locks on, the recommended lock is called euro lock.

Fire Extinguisher/Fire Blanket

It is recommended that a fire extinguisher is placed in the hallway and on the landing(s), and a fire blanket fixed to a wall in the kitchen.

If your property has gas appliances then you may wish to consider the installation of carbon monoxide alarms (these detect the build up of dangerous gasses). These units are inexpensive, but are extremely useful.

Definition of HMO

A property with 3 or more tenants living together who are **NOT** related is classed as a **HMO**, if the property is three storey/over commercial property with 5 or more tenants, requires a licence, this must be obtained from Welwyn & Hatfield Council.

Sanitary Requirements

Upto 4 person sharing, you must have one bathroom the WC can be sited in the bathroom.

For 5 person sharing you must have one bathroom and one separate WC.

For 6 - 8 persons sharing you must have two bathrooms and two WC's.

Furniture and Furnishings (Fire)(Safety) Regulations 1988 (amended 1989 & 1993)

If any furniture is left in a property, then you should as landlord have a duty to ensure it is maintained and (for electrical/mechanical equipment) repaired should it become faulty, provided of course this is not as a result of negligence or malicious damage by the tenant.

Any soft furnishings (chairs & beds etc) that are left in the property must comply to fire regulations, and a label clearly stating so should be attached. If not then the furnishings must be removed from the property, they cannot be stored at the rented address.

Energy Performance Certificate

As from 01 October 2008, it will become LAW, that all rental properties must have an EPC, we can arrange this for you if required.

Mortgages

If the property you wish to rent is subject to a mortgage then the mortgage lender should be informed that you intend to let the property. This should be done before a tenant moved into the property. Gaining permission from the building society usually depends upon the mortgage account not being in arrears. Some lenders do ask to see a copy of the tenancy agreement which the tenant will be asked to sign, we will be happy to provide them with this. Some lenders charge an administration fee.

Insurance

As landlord you are still responsible for the building and accordingly the buildings insurance. Please note buildings insurance will not cover the costs of replacing or repairing carpets if they become damaged, it does however cover fixtures and fittings. If the property is furnished or part furnished you may also wish to consider contents insurance. We can recommend an Insurance Company which specialises in landlords insurance if you require the details, please enquire at the office for a quote.

Tax

Income received from renting any property is subject to tax (we strongly recommend that you take advice from your accountant). Expenses incurred can be set against this liability as can the interest paid on the mortgage. We are also obligated to forward on details of rental incomes to The Inland Revenue upon request, every agents must do this.

Overseas Landlords

Up until April 1996 landlords who moved out of the United Kingdom had to have tax deducted by their agents. Now however, a landlord can apply for an exemption certificate from the Inland Revenue. If you are awarded an exemption we can send all the rent money to yourself (a copy of the exemption certificate must be held by ourselves) without deduction for tax.

Empty Property

The agreement you sign when the property was put on our books does not cover period when the property is vacant.

Keys

We require one set of keys for ourselves and at least one set for each tenant (s).

Post

It is not Mather Marshall Lettings responsibility to check for your post please ensure that you redirect your mail

Planning Permission HMO's

Changes to Planning Use Laws

So, what's changed?

The Government has introduced a new specific Use Class for Houses in Multiple Occupation (HMO) into planning law, using the Housing Act 2004 definition.

From 6 April 2010 any residential property let to three or more unrelated sharers, forming two or more households, will be deemed to be an HMO in planning law. This includes shared houses, flats and bedsits, whether the occupiers have signed one tenancy agreement or have individual tenancy agreements.

A new Use Class, 'C4 Houses in Multiple Occupation' has been created and will apply to residential property that is to be let to three to six unrelated people, who share amenities such as a kitchen or bathroom. This could include a shared house or flat let to three to six unrelated people or a small bedsit occupied by three to six unrelated people.

To fall within the 'C4 Houses in Multiple Occupation' use class, a property must be occupied as the main residence. Guests visiting for short periods should not be included in the calculation of the number of occupants. Students, migrants and asylum seekers who do not occupy the property all the year will be considered as occupying the property as their main residence and should be included.

The existing Use Class 'Sui Generis' will continue to apply to residential property that is to be let to seven or more unrelated people who share amenities.

The existing Use Class 'C3 Dwellinghouses', will continue to apply to residential property that is to be occupied by an owner occupier or let to a single person, two unrelated sharers or a family (whether or not as a sole or main residence).

Which areas of the UK are affected?

The change only affects residential property in England.

When will this come into effect?

The new planning Use Class will come into effect from 6 April 2010. It will not be applied retrospectively to existing shared housing.

How will this affect landlords?

Landlords are required to get planning permission if there is a 'material change of use' to a property.

This means that from 6 April 2010 landlords will be required to get permission if they intend to let a family home (classed as C3 Dwelling House) to three or more unrelated people, who share amenities.

Reversion of a small shared houses or bedsits back into a family home is a permitted development and should not require planning permission. Therefore landlords who rent to three to six unrelated sharers (classed as a C4 House in Multiple Occupation) will have the right to revert the property to a family home (C3 Dwelling House) without requiring planning permission.

Please note however, once a property has been reverted to a family home, planning permission will be required before it can be let it out as an HMO again.

Will the changes be applied retrospectively?

No. The new planning definition of a HMO and the new Use Class will come into effect on 6 April 2010.

Landlords who have been letting a property to three to six unrelated sharers as at 5 April 2010 will have an established right to continue to let their property in this way from the 6 April 2010, even if the property is let to new tenants after this date.

Please note however, if you let a shared house to a family or single person you may lose your right to let it as a shared house in the future. If in any doubt consult the Planning Department in the Local Authority where your property is based before reletting your property. Ask for any clarification to be made in writing.

How can I prove that my property was let as a shared house before 6 April 2010?

The onus will be on the landlord to prove that a property has been used as a shared house. Not for a local authority to prove that it wasn't.

Landlords are strongly urged to keep as much evidence as possible to enable them to demonstrate that a property has been let as a shared house.

Evidence may include:

- Tenancy agreements
- Rent statements
- Tenancy Deposit Protection Certificates
- Copies of adverts used when looking for new tenants
- Any other documentation showing the tenants living at the address

And especially important to demonstrate occupation, if a fixed term tenancy has become periodic:

- Copies of Possession Notices
- Copies of correspondence to your tenants

How will these new rules be enforced?

Planning law in England is administered and enforced by the Local Authority where your property is based.

At the time of writing it is uncertain how individual Local Authorities will implement and interpret the new rules and whether they will use it to control the number of shared houses in a particular District or Ward.

NLA will keep members informed over the coming months as we learn more.

© **National Landlords Association** : 22-26 Albert Embankment, London SE1 7TJ

PLEASE SIGN BELOW AND RETURN TO THE AGENCY, WE CANNOT CONTINUE WITH THE LETTING OF YOUR PROPERTY UNTIL BOTH THIS FORM IS SIGNED AND THE AGENCY AGREEMENT ARE SIGNED AND RETURNED TO THIS OFFICE. TOGETHER WITH GAS SAFETY CERTIFICATES AND ELECTRICAL SAFETY CERTIFICATES.

SIGNED: _____

PRINT: _____

DATE: _____

ADDRESS OF PROPERTY: