

Renting a Property – Advice to Tenants

Tenancy Status

All tenancies that started from 28 February 1997 will automatically be assured shorthold tenancies, even if there is no written tenancy agreement. There are other types of tenancy, but most new tenancies will be assured shorthold tenancies.

Assured shorthold tenancies will be granted for a fixed term, or periodic (rolling contract month to month). If a replacement fixed term is not agreed when one fixed term expires, the tenancy will continue as a periodic tenancy by law.

Immigration Checks by landlords

If you want to live in private rented accommodation, you'll have to show the landlord that you have the right to live in the UK. You will need to provide evidence of your right to live in the UK by showing them either your biometric residence permit or passport or any other evidence to confirm this. This rule applies to any other adult you'll be living with.

If you don't have any documents because you're waiting for an immigration decision from the Home Office, ask the landlord to request a 'Right to Rent' check from the Home Office, Landlord Checking Service.

You can also get advice from the Home Office's Commonwealth Taskforce.

Home Office - Commonwealth Taskforce

Telephone: 0800 678 1925

Monday to Saturday, 9am to 5pm

Sunday, 10am to 4pm

Email: commonwealthtaskforce@homeoffice.gsi.gov.uk

Duties of Your Landlord

Your landlord should provide you with the following at the start of the tenancy:

1. A copy of the latest version of the Government's 'How to Rent' checklist for all tenancies started or renewed on or after 1st October 2015.
2. A copy of the latest gas safety certificate to confirm that the gas appliances have been serviced within the last 12 months. All gas appliances must be serviced annually and a copy of the CP12 certificate provided to you.
3. Details of the Deposit Protection Scheme.
4. A copy of the property's energy performance certificate to show that the property meets a minimum banding E, this may be lower in certain circumstances where the landlord has obtained an exemption. From the 1st April 2020 existing tenanted properties must meet a minimum level of E, unless an exemption is obtained.

5. Relevant contact details.
6. A copy of a satisfactory Electrical Installation Condition Report (EICR) must be provided for new tenancy and for renewal of tenancy. The EICR must be completed no less than every 5 years. This will cover all appliances except if owned by the tenant to verify the wiring and electric This requirement came into force on the 1st July 2020 for all new tenancies in England and from 1st April 2021.
7. Provide smoke alarms on each floor and carbon monoxide detectors in any rooms with a solid fuel appliance.
8. Your landlord must tell you when and how your rent should be paid.

Rights of Assured Shorthold Tenants

As an assured shorthold tenant, you have the right to stay in the accommodation until the fixed term ends unless your landlord provides notice and obtains a possession order from the court. Reasons for eviction will include for example, rent arrears, damage to property, or that one of the other terms of the agreement has been broken. You can stay on after the end of the fixed term, even if the agreement is not renewed, until your landlord gives you notice.

As an assured shorthold tenant, you can enforce your rights, for instance to get repairs done, but if you do, your landlord may decide not to renew the tenancy agreement at the end of the fixed term.

As well as the right to stay in your home for the fixed period, if you keep to the terms of the tenancy, you will also have other legal rights including: -

- the right to have the accommodation kept in a reasonable state of repair.
- the right to receive 24 hours' notice (unless there's an emergency) if the landlord needs to enter the property to carry out essential repairs.
- the right to have a tenancy deposit protected. Any deposit paid, or renewed tenancy where deposit was paid to a private landlord or letting agent on or after 6 April 2007 must be placed in Deposit Protection Scheme.
- The right to live in the property undisturbed.
- The right to know the identity of your landlord. A written request can be made for your landlords name and address.

You may have a written tenancy agreement which may give you more rights than the minimum provided by law. You can find more information on assured shorthold tenancies from the GOV.UK website at www.gov.uk.

Further Advice is available from the following organisations:

Shelter: <https://www.shelter.org.uk>

Citizens Advice: <https://www.citizensadvice.org.uk>

Housing Advice: <https://my.northtyneside.gov.uk/category/109/housing>

Gov.uk <https://www.gov.uk/browse/housing-local-services/owning-renting-property>