

Renting a Property – Advice to Landlords

Landlord Responsibilities

Before renting a property as a landlord or letting agent you are legally required to check the immigration status of all adults who will reside in the property. This is a right to rent check from the Home Office Landlord Checking Service. This is available on the Gov.uk website and available from this link: [Right to Rent](#).

Landlord Duties

At the start of each new tenancy you are legally required to provide the following documents:

1. A copy of the latest version of the Governments '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 your tenant.
3. Details of the Deposit Protection Scheme. As a landlord you must protect the tenancy deposit with a UK [Government-Approved Deposit Protection Scheme](#).

Any landlord who doesn't protect the deposit can be fined and it can make it much more difficult to end the tenancy.

Deposits must be returned in full at the end of the tenancy, unless there is a dispute about damage caused to the property or unpaid rent.

4. A copy of the property's energy performance certificate to show that the property meets as a minimum banding E. If the property is unable to meet this efficiency level, then you may be able to apply for an exemption.

From the 1st April 2020 existing tenanted properties must meet a minimum level of E, unless an exemption is obtained.

5. Contact details for reporting any disrepair in the property.
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. Detail when and how the rent should be paid.

Property Repairs

Landlords are responsible for most repairs to the property. This means that any problems with the roof, chimneys, walls, guttering and drains are the responsibility of the landlord. These could include a cracked window, a faulty boiler, leak in the kitchen, damaged tap or a leaky seal in the window. Landlords are also responsible for keeping the equipment for supplying water, gas and electricity in safe working order.

Landlords are also responsible for the repairs / replacement of any white goods supplied with the tenancy.

If your tenant reports disrepair to the Local Authority then a Housing, Health and Safety Rating System (HHSRS) inspection may be carried out to assess the condition of a property and any potential hazards. The aim is to maintain good standards in the private rented section.

Access for Repairs and Inspections of the Property

Access to the property will be necessary for repairs and inspections. Access should not cause unnecessary interference to your tenant. Legally, under the Housing Act 1988 you must give 24 hours' notice in writing. Notice can be in the form of a letter or email. If you need to enter the property to carry out essential repairs, unless access is urgently required if there's an emergency.

Termination of An Assured Shorthold Tenancy

As a landlord you must follow a legal process when you want to end the assured shorthold tenancy. There are two eviction procedures that can be used. First you must either give a

- Section 21 notice or
- Section 8 notice

Both types of eviction notice can be used at the same time.

Section 21 notice

A section 21 notice is the most common way to start the eviction process as a reason does not need to be provided to end the tenancy.

56 days' notice must be provided, and you must follow certain rules for the notice to be valid. A possession order will need to be obtained from the court to legally evict the tenant.

If you try to evict the tenants without going to court, this will be an [illegal eviction](#).

Section 8 notice

A section 8 notice can be issued at any time during the tenancy, but there must be a legal reason for ending the tenancy for example for rent arrears or the tenant has broken the terms of the tenancy agreement.

Immigration Checks by landlords

You should obtain evidence that your tenants have the right to live in the UK. You will need to ask them to show you either their biometric residence permit or passport or any other evidence to confirm this.

If your tenants doesn't have any documents because they are waiting for an immigration decision from the Home Office, you can ask the Home Office for a 'Right to Rent' check using the 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