

SMOKE ALARMS AND CARBON MONOXIDE ALARMS

Under current legislation (Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022) it is a legal requirement that all newly built premises from June 1992 must have mains fitted smoke alarms with battery back up. All rented properties are now legally required to have both smoke alarms and carbon monoxide alarms fitted in certain circumstances. If battery operated alarms are fitted, the Landlord needs to ensure that the alarms are in working order and tested at the start of a tenancy. If we manage the Property, we will arrange for smoke detectors and carbon monoxide alarms to be installed if required at the Landlord’s expense and subject to our administration fee. Although carbon monoxide detectors must only be fitted if there is a wood burning stove or other solid fuel appliance Sandfords advise that a detector is fitted in any room with an oil or gas boiler or fire. Ensure a carbon monoxide alarm is equipped in any room used as living accommodation which contains a fixed combustion appliance (excluding gas cookers).

LEGIONNAIRE’S DISEASE

In order to comply with the Health and Safety Executive Code of Practice landlords are strongly advised to carry out a risk assessment at their premises prior to letting especially if there are open water tanks, cooling systems or a swimming pool. We request that a copy of any written risk assessment is provided upon instruction. Landlords have a Duty of Care to their tenants under Section 3(2) of the Health & Safety at Work Act (1974).

THE FURNITURE AND FURNISHINGS (FIRE) (SAFETY) (AMENDMENT) REGULATIONS 1993

It is a criminal offence to let premises with upholstered furniture or soft furnishings containing foams that cannot be proven to comply with the above Regulations. The Regulations require that specified items must be match resistant, cigarette resistant and carry a permanent label.

SAFETY STANDARDS FOR INTERNAL BLINDS AND CURTAINS

It is a legal requirement that all new blinds and curtains which include a cord or chain must comply with the recently published safety standards. Blinds and curtains that are already fitted to the Property must be made safe or replaced.

RIGHT TO RENT CHECKS

For all tenancies all occupants have to undergo ‘Right To Rent’ checks. As the landlord, you are required to establish who will live in the Property, check and copy one or more original documents that demonstrate the Right to Rent in the UK for all adult occupiers, in the presence of the holder. Acceptable documents include a UK or other national passport, permanent residence card, travel document showing indefinite leave to remain or a valid visa. We will carry out the Right to Rent checks as part of our referencing process. If Sandfords do not manage the Property it is the Landlord’s responsibility to carry out the relevant checks on any additional occupiers and take the necessary proof of the “right to remain”. Sandfords have no liability if the Landlord fails to comply with current legislation.

HOW TO RENT GUIDE

A landlord must provide a current copy of the government publication along with the EPC and gas safety certificate at the start of the Tenancy. Failure to do so could mean the Landlord cannot serve a valid Section 21 notice. If these documents are not provided to the tenant at the start of the tenancy and upon renewal of the tenancy if any have changed any Section 21 notice for possession served during the tenancy may be invalid. If Sandfords manage the Property these documents will be served on the Landlord’s behalf. If Sandfords do not manage it is the Landlord’s responsibility to serve the documents at the appropriate time.

FLOOD AND WATER MANAGEMENT ACT 2010 (SECTION 45)

The Landlord has an obligation to provide the tenant’s contact details to the relevant water company at the end of the tenancy, or the Landlord will become jointly and severally liable for any unpaid water charges at the end of the tenancy.

TAX & OVERSEAS LANDLORDS

You will be liable for tax on income arising from letting the premises and you must inform Her Majesty’s Revenue and Customs (HMRC) that you are letting the premises. There are a number of allowances that you can claim against this income. You should seek advice on these allowances from your accountant or from the HMRC website which can be accessed on www.hmrc.gov.uk.

You must also keep all your invoices for six years for tax purposes. Sandfords forward a form to HMRC annually detailing all landlords whose premises have been let and the rental income they have received, regardless of the country of residence of that landlord.

HMRC has special rules regarding the collection of tax on rental income if you are a landlord who is resident overseas for a period of more than six months in any tax year, or you subsequently move abroad. If you fall into this category it is your responsibility to obtain a tax approval number from HMRC. The relevant form and guidance notes can be downloaded from www.hmrc.gov.uk/cnr/nr_landlords.htm. Until that approval number is given to us by HMRC we are legally obliged to deduct tax from your rental income at the prevailing rate, which is currently 20%. This money is forwarded to HMRC on a quarterly basis. For any period during which we deduct tax from your lettings income due to you not providing us with an approval number or you are not being accepted into the Non-Resident Landlord Scheme we may make an administration charge. If the tenant pays you direct, you are non-resident in this country and he has not received approval from HMRC to pay the rent gross he must deduct tax and forward that to HMRC on your behalf.

ELECTRICAL SAFETY STANDARDS IN THE PRIVATE RENTED SECTOR (ENGLAND) REGULATIONS (2020)

Requirement for EICR every 5 years.

PRE-TENANCY CHECKLIST

- | | | |
|----|--|--------------------------|
| 1 | Post redirected | <input type="checkbox"/> |
| 2 | Mortgage company advised | <input type="checkbox"/> |
| 3 | Insurance company advised | <input type="checkbox"/> |
| 4 | Head Lease checked | <input type="checkbox"/> |
| 5 | Keys arranged | <input type="checkbox"/> |
| 6 | Appliance manuals obtained and left in the property | <input type="checkbox"/> |
| 7 | Working telephone line and TV aerial socket installed | <input type="checkbox"/> |
| 8 | Non-Resident Landlord form completed and sent to HMRC (if overseas landlord) | <input type="checkbox"/> |
| 9 | Professional clean organised | <input type="checkbox"/> |
| 10 | Inventory booked | <input type="checkbox"/> |
| 11 | Gas Safety Record obtained | <input type="checkbox"/> |
| 12 | Portable Appliance Test and NICEIC Electrical Report completed | <input type="checkbox"/> |
| 13 | Furniture checked for fire labels | <input type="checkbox"/> |
| 14 | Smoke alarms tested and carbon monoxide detectors installed | <input type="checkbox"/> |
| 15 | 24 hour emergency contact details in place | <input type="checkbox"/> |
| 16 | Legionnaires Disease Risk Assessment | <input type="checkbox"/> |

Useful Links

Post Office

www.postoffice.co.uk

British Blind & Shutter Association

www.bbsa.org.uk

HMRC

www.hmrc.gov.uk

We are Sandfords

J Van’t Veer
Landlord

“I have partnered with Sandfords over the past 24 months, through some testing market moments, always with success; the team know the market area down to street by street, building by building detail; I have been able to hand over 100% of all management related activity; the ease of communication and updates provided by the management team allow for any issues to be dealt with quickly and to a high standard without my needing to be involved; I now live abroad and know that the property is in safe hands.”

Getting Started

K Henderson
Landlord

“I’ve been very pleased with Sandfords’ letting service, but absolutely delighted with the management service. I managed my Central London studio flat myself for twenty years after moving to the Midlands, and now look back in horror and wonder why I put myself through it. It’s great to know that the tenant will never phone or e-mail you with an emergency at the most inconvenient moment possible. I don’t even think repairs cost more, as it’s much easier for Ellie at Sandfords who has so much more experience with finding reliable local electricians, plumbers etc. Having the flat professionally managed is so easy that I’d consider buying another property.”

With over 25 years experience and vast local knowledge, Sandfords is a respected name and has a strong presence in North West and Central London, one that is linked not just with the property business but also local life too.

We are a member of ARLA (The Association of Residential Letting Agents) which means we are committed to following a professional code of practice, so landlords can be assured of a professional and courteous service. We are part of Propertymark Client Money Protection Scheme and belong to an independent redress scheme, The Property Ombudsman (TPO).

Our Lettings and Property Management team are experienced professionals dedicated to providing a great service to both tenants and landlords.

We are passionate about what we do and great care is taken from the marketing and letting of your property, all the way through to full management once you have a tenant. Managing the property (“the Property”) yourself can be a tricky and stressful business due to the raft of new legislation governing landlords which has been passed by Parliament since 2015. Failure to comply can have financial consequences for a landlord hence the approach of Sandfords who are familiar with both current and new legislation. If you choose Sandfords to let and manage the Property, our highly experienced and qualified Property Management department will remove risk for the client.

This guide has been designed to answer the most frequently asked questions and highlight the main considerations for landlords wishing to rent out their Property.

PROPERTY CONDITION

If the property is provided in good condition from the outset, you are more likely to attract a tenant that will want to maintain the property and start the tenancy on a positive footing.

The property should be presented to the highest standard possible and in full working order. Most tenants will be looking for neutral and fresh decoration throughout with high quality furnishings, fittings and flooring. Kitchens should be fully equipped with contemporary appliances including oven, hob, extractor hood, dishwasher, washing machine and dryer and a good sized refrigerator/freezer. Bathrooms should also be contemporary with good quality fittings and adequate water pressure, ventilation and heating.

EXTERIOR

Where applicable, the exterior of the property should be in good decorative order, garages clear and gardens in good seasonal condition.

INVENTORY

We strongly advise that a detailed and independent inventory is carried out to protect all parties. We will be able to recommend an independent company for this service. The tenancy agreement requires the tenant to return the Property and contents at the termination of the tenancy in the same condition, save for fair wear and tear, as recorded in the inventory. If the Landlord does not have a detailed inventory of the Property and the fixtures and fittings he may be unable to obtain compensation for damage at the end of the tenancy.

APPLIANCES/MANUALS/SPECIAL SURFACES

You will need to ensure that all appliances are serviced and in good working order. Manufacturers’ operating and instruction manuals for all appliances and electrical equipment must be left in the Property. If there are any maintenance contracts in place, these should be provided and both the agent and tenant informed. If the tenant is not given copies of maintenance contracts or guarantees the Landlord may be unable to claim compensation if the tenant instructs another contractor.

Many properties contain special surfaces such as limestone flooring, granite or wooden worktops to name a few, or specific appliances such as a Saniflo lavatory which need cleaning and used in a specific manner. Special instructions must be left in the Property for all surfaces or appliances including products for cleaning; otherwise the Landlord may not be able to claim compensation for damage caused by use of an unsuitable product.

GARDENS

It is the Tenant’s responsibility to maintain the garden (if applicable) in a neat and tidy condition and ensure the lawns are cut regularly throughout the term of the Tenancy. The Landlord should ensure that the garden, if applicable, is in good seasonal condition at the start of the Tenancy, details of which to be shown in the Inventory and Schedule of Condition.

KEYS

You will need to provide the tenant with sufficient sets of keys and security fobs. If we are managing

the Property, we will need to hold a full set of keys throughout the full term of the tenancy. If Sandfords need to have additional sets of keys cut the Landlord will be liable for the cost of the key cutting and the administration fee of Sandfords for carrying out the task.

TELEPHONE LINE AND TV AERIALS

You must ensure that there is a working telephone line and TV aerial socket at the Property before the start of the tenancy. You will also need to confirm whether satellite or cable is or can be installed. Sandfords advise the Landlord to check any head lease if applicable before agreeing to a satellite dish or installation of any equipment.

POST

Please ensure that you redirect your mail through the Royal Mail redirection service. Sandfords do not redirect mail.

INSURANCE

You must have insurance for buildings and contents including public liability for protection from any third -party claim for personal injury; and advise your insurance company that you will be letting the Property. Any special conditions specified by the Landlord’s insurer must be provided to Sandfords in writing otherwise the tenant will not have to comply which may lead to breach of the Landlord’s insurance policy. The Landlord is advised to provide the tenant with copies of the relevant sections of his insurance policy especially those relating to empty property.

MANAGING ISSUES DURING THE TENANCY

Even with new properties, there can be issues during the tenancy such as problems with noise from neighbours, or your tenant not maintaining the Property. You can help identify problems early by having a detailed inventory, periodic checks and leaving your contact details with neighbours.

Legal Obligations

G Betts
Landlord

“Sandfords don’t just focus on getting the tenancy agreed and up and running. They are helpful and conscientious when things don’t go to plan, providing advice and support through any problems and difficulties. A fantastic team - professional and effective in every way.”

If we are fully managing the Property, we will carry out regular visits to the Property provided the tenant grants access. If the tenant fails to grant access the Landlord will be informed. The Landlord should take legal advice and advise Sandfords of any actions that should be taken. Sandfords will check the Property for visual defects or obvious need of repair; but cannot be held liable for hidden defects. Sandfords endeavour to assist with all issues that may arise during the tenancy, including any tenant disputes.

LEASEHOLD/SUPERIOR LANDLORD

If the Property is leasehold, you should check the head lease to ascertain if there are any necessary consents needed to let the Property and any restrictions (e.g. no pets, or singular family occupancy only). A copy of the relevant restrictions in the head lease should be attached to the Tenancy Agreement as a separate schedule to ensure the tenant complies with all obligations. If not supplied Sandfords have no liability for any loss suffered by the Landlord.

MORTGAGES

In most cases when the Property is subject to a bank loan or mortgage, written permission is normally required by the lender to let the Property. The landlord must obtain the necessary consent; and is requested to apply for it at the earliest possible time prior to making plans for letting. Tenants may require proof of consent or official documentation. If the lender imposes any special conditions for the tenancy the Landlord must advise Sandfords of them prior to the tenancy commencing.

CLEANING

It is essential that the Property is professionally cleaned before the tenancy commences. If we are managing the Property for you, we will organise this on your behalf.

ELECTRICAL EQUIPMENT (SAFETY) REGULATIONS 1994

You will need to provide instruction manuals for all items of electrical equipment and ensure that all appliances comply with the above regulations. It is highly recommended that you have an NICEIC DOMESTIC ELECTRICAL INSTALLATION CONDITION REPORT carried out periodically as well as a portable appliance test (PAT) before each tenancy. If we are managing the Property, we will be able to arrange a check. The Landlord is advised that under the Housing and Planning Act 2016 legislation may be introduced to make electrical wiring checks compulsory. Sandfords will advise the Landlord if such checks become law and arrange a check on the Landlord’s behalf if Sandfords manage the Property, at the Landlord’s expense.

GAS SAFETY (INSTALLATION AND USE) REGULATIONS 1998

It is a criminal offence to let the Property with gas appliances, installations and pipe work that have not been checked by a Gas Safe registered engineer. You will need to provide a copy of a Gas Safety Certificate (GSC) carried out no more than 12 months previously. The GSC will need to be renewed annually. If we are managing the Property, we will arrange for an annual GSC automatically. If Sandfords do not manage the Property, it is the

REPAIRS AND REDECORATION

The Landlord is responsible for repairs to the Property and equipment which result from wear or maintenance requirements rather than abuse by the tenant. The Landlord is responsible for the exterior decoration of a Property although this may be arranged through the manager of the building if the Property is a flat and charged through service charges. In such circumstances the Landlord will pay for the maintenance and decoration of common parts through service charges. The tenant must contact either Sandfords or the Landlord to obtain consent before carrying out any redecoration or changes to the Property except in an emergency. Sandfords do not arrange repairs if the Property is not managed. If Sandfords manage the Property and instruct a contractor to carry out repairs Sandfords will give orders to the contractor as the agent of the Landlord. The Landlord is liable for the payment to the contractor.

The Homes (Fitness for Human Habitation) Act 2018 will entitle a tenant to take legal action against a landlord if the Property is not deemed by the tenant to be fit for human habitation. IF a judge finds in favour of the tenant then an order will be imposed upon the Landlord stating what works must be carried out. The Landlord may have all the legal costs awarded against him in addition to any costs he incurs. Sandfords will endeavour to ensure that the Property is fit for human habitation if the management service is used. Otherwise it will be the responsibility of the Landlord to ensure all repairs are carried out promptly and that the Property remains fit for habitation throughout a tenancy. We have no liability for any losses suffered if the Landlord fails to ensure the condition of the Property meets any criteria under the Housing Health and Safety Rating System under the Housing Act 2004 which may be used as evidence in proceedings under the above Act.

The Landlord agrees to notify Sandfords in writing of all structural defects at the Property prior to the commencement of a tenancy and will arrange rectification promptly.

Landlord’s responsibility to arrange the Gas Safety Certificate and to give it to the tenant within twenty eight days of renewal. Failure to do so may mean a Section 21 Notice cannot be served. Sandfords have no liability in such circumstances.

PART “P” BUILDING REGULATIONS (ELECTRICAL SAFETY IN DWELLINGS)

From January 1 2005 the above regulations came into force requiring qualified personnel to carry out certain electrical work at premises. To ensure compliance with the regulations we will only use a competent person to carry out any electrical work at the Property.

ENERGY PERFORMANCE CERTIFICATE (EPC)

By law we are prohibited from marketing any Property until an EPC is available or has been commissioned. Since April 1 2018 if there is any new or renewal of a tenancy the EPC must have an “E” rating. This legislation applies to all rented properties as from April 1 2020. Sandfords cannot let a property which does not comply but advises that a domestic energy assessor should be requested to provide a statement of improvements in such circumstances. We will be able to help you arrange this service if required.