

WestcountryLandlordsAssociation

SomeBookreviewsandwebsitelinksyoumayfindofinterest:

SUCCESSFULPROPERTYLETTING:HOWTOMAKEMONEYINBUYTOLET

ByDavidLawrenson

Amongthemanybookspublishedonhowtosucceedinthebuy-to-letmarket,thisone standsoutasapracticalandextremelydetailedguideforlandlords.Writteninanupbeat, conversationalstyle,'SuccessfulPropertyLetting'coversallthebasics,startingwitha sectiononbuyingproperty,lookingathowtospotlocationsthatareonthevergeof becomingpopular,buying'offplan'andatauctions,throughmakingthepurchase, preparingthepropertytoletandfindinggoodtenants.

Paperback192pages(September15,2005)

PublisherElliotRightWayBooks **ISBN**0716030152Price:£6.59

ResidentialRenting

ByTessaShepperson

Thisisaneeweditionofanoldfavourite,andagoodfirstguidetoanyonewtobeinga landlord,itisnotaboutinvestment.Theneeweditioncontainsfewalterationstotheearlier edition(2000)towhichacomplimentaryreviewwasgiven.

Paperback112pages(18March,2002)

PublisherLawpackPublishing **ISBN**1904053017Price:£8.50

TheBuy-to-LetBible

By:AjayAhuja

Thisbookencourageswouldbeinvestorstofollowtheauthor'sexampleanddevelopa £3mportfoliointofiveyearsfromnothing.Theauthoris'founderandownerofthenational accountancypracticeAccountantsDirect'

Paperback160pages

PublisherLawpackPublishing **ISBN**190405336XPrice:£8.50

WebsiteLinksyoumayfinduseful:

PlymouthCityCouncil:www.plymouth.gov.uk

BristolCityCouncil:www.bristol-city.gov.uk

Courtesy&thankstoLettingNetwork,Landlord-Law,NFRL,NLAandall othersfortheuseofsomearticleswiththisnewsletter



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TheAssociationprovidesassistanceandadvice.However,theAssociationdoesnot holditselfoutasprovidingspecialistlegaladviceandthereforewhilstwrittenandoral adviceisgivingingoodfaith,noresponsibilitycanbeacceptedbytheAssociation,its officersormembersfortheaccuracyofitsadvice,norshalltheAssociationbeheld liablefortheconsequencesofrelianceuponsuchadvice.

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NEWSLETTER

February2007

Welcome toyouall,

Toyournewsletter, followingvariousirregularandunconstitutionaldecisionsbythe committeeoftheSouthWestLandlordsAssociationwefindourselveshavingtoset upamore democraticandtransparentsolution —togetherlet'smakeitwork.

Weareexploringthisformatofnewsletter,hopingitwillbeeasiertofollow. Wehopetobringyouasmanyarticlesaswepossiblycantoguideyouthrough thequagmireunderthenewregimeofregulationsetcundertheHousingAct2004.

Pleasefeedbackwithyourcommentsonformatetcandmaybe articles thatyoufeelwillbeofinteresttootherlandlords..... Thank You

TenancyDepositScheme

TobeintroducedinApril2007.Landlordswillhave theoptionofselectingacustodialoraninsurance basedscheme.

LandlordswhofailtojoinaTenancyDeposit ProtectionScheme canbefinedupto3months rentoneachtancyandwillbeunabletorecover theirpropertythroughthecourts.

Thegovernmenthasnownamedthreecompanies whohavebeenawardedcontractstorunthenew TenancyDepositScheme

TenancyDepositSolutionsLtd

Insurancebasedscheme,directedprimarilyat landlords.TheCharteredInstituteofArbitratorswillbe thebethe'AlternativeDisputeService'(ADS). Theirwebsite:www.mydeposits.co.uk

TheDisputeServiceLtd

InsurancebasedschemedirectedprimarilyatLetting Agents.Theywillalsorunthe'AlternativeDispute Service'(ADS). Theirwebsite:www.tds.gb.com/press_releases_november_2006.htm

ComptershareInvestorServicesLtd

Runningasinglecustodialdepositschemewiththe CharteredInstituteofArbitratorsprovidingthe 'AlternativeDisputeService'(ADS). Theirwebsite:www-uk.comptershare.com/Default.asp?bhjs=1&fla=1&cc=UK&lang=EN We'llbringyoumoreinformationwhenavailable.

TenancyDepositScheme

DisabilityDiscrimination (Premises)Regulations2006

Possessions—Rejected

TaxTip (Non-businesstaperrelief)

ProtectingListedBuildings

PossessionClaimsOnline

FireSafety

HomeInformationPacks

LandlordsStillUnlicensed

WhatisaHMO?

Electrical&GasSafety

HB—Recovery

MembApplicationForm BookReview&UsefulLinks (RearCover)

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DisabilityDiscrimination (Premises)Regulations2006

Thiscameintoforceon4thDecember 2006,whichrelatestopartsofthe DisabilityDiscriminationAct1005as amendedin2005.

Providingthatlandlordsofpremises shouldsofarasreasonablemake provisionfordisabledoccupiersand potentialoccupierswhenrequested. Theregulationssetoutdetailsofthesort ofthingswhichshallandshallnotbe regardedasreasonableandvarious othermatters.

Possessions—Rejected

Itappearsthatoneofthemostcommon reasonsforrejectionofpossession proceedingsisthattheyweresignedby thelettingagent.Onlytheclaimant himself(oranofficeroftheclaimantisa limitedcompany)orhissolicitorare entitledtosigncourtclaimforms. Othercommonreasonsforrejectionof claimsareproblemswithpossession notices,formsnotbeingcompleted properlyandcopiesofessential paperwork(suchastenancyagreements) arenotbeingprovided. Thisisparticularlyimportantwithclaims forpossessionusingtheaccelerated procedure,asthedecisionwhetherto makeanorderforpossessionismade entirelyonthepaperworkandlandlords shouldtakecaretoensurethatitis perfect.

TaxTip Non-businessTaperRelief

Thisbecomesavailableafteryouhave ownedapropertyforafulthreeyears. Ifselling,trytoensurethattheproperty issoldafterafullyearofownershiphas beencompleted.Forexample,ifyou haveownedapropertyfor7yearsand 11months,thentrytodelaythesalefor anadditionalmonthsothatyouareable toclaim8yearsoftaperrelief.

ProtectingListedBuildings

Anewguide,publishedin December2006byCommunities andLocalGovernment,willhelp councilstakeenforcementaction againstthosewhoignoreorflout theruleswhichprotectthecountry's mosthistoricbuildings.

TheBestPracticeGuidanceNote onListedBuildingProsecutions, addressedprincipallyatlocal authorityconservationandplanning officers,seekstoincrease awarenessofthepowersheldby councilsandotherprosecuting bodiesaspartofthelistedbuilding enforcementregime.

AGovernmentcommissionedstudy showedthatmanylocalauthorities donothaveenoughheritagecases foradicatedheritage enforcementofficerandthat planninglawyersmayalsohave aspecificexpertiseinheritage casesmeaninganinconsistencyof investigationsandprosecutions acrossEngland.

LaunchingtheguidancewithSirNeil Cossons,theChairmanofEnglish Heritage,LordsPlanningMinister BaronessAndrewssaid: "Ourhistoricenvironmentisa uniqueandvaluableresource,which mustbeprotected.Itdrivesareal senseofidentityintheplaceswe live."

"Councilsalreadyhavethepowers toprotectlistedbuildings,butsome arebetterthanothersattaking enforcementaction.Thisguidance providesstep-by-stepadvicefor localauthoritiesonhowtotake forwardprosecutionsandhowto makesurelistedbuildingsacross thecountryaresafeguardedfor futuregenerationsto enjoy."Continued →



WestcountryLandlordsAssociation

MembershipApplicationForm

Pleasecompletethedetailsbelowandreturnwithacheque for **£35**(Thisamountincludesa"one -off"joiningfeeof£10) payableto"WestcountryLandlordsAssociation".

WestcountryLandlordsAssociation
P.O.Box454
PlymouthPL34WL

AfterCompletionreturnto

TradingName:

Surname(Mr/Mrs/Ms/Dr)etc:

ChristianName(s):

PartnersSurname(ifapplicable):

PartnersChristianNames):

Address:

Postcode:

TelephoneNo.(Day):

TelephoneNo.(Evening):

EmailAddress

Preferredpassword
Formembersareaccess

Wheredidyouhearaboutus?

Signed:

Dated:

AboveInformationwillbeheldonacomputer systemandshallbekeptPrivate&Confidential.

Membershipyearrunsfrom1stJanuary —31stDecember

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HOUSING BENEFIT PERSON FROM WHOM RECOVERY MAY BE SOUGHT The Housing Benefit and Council Tax Benefit (General) Amendment Regulations 2005 (Statutory Instruments 2005 No. 2904 – Social Security)

The above regulations came into force on 10th April 2006 and change Regulation 101 of the Housing Benefit Regulations relating to the person from whom there recovery may be sought.

Regulation 101 of the Housing Benefit Regulations shall be amended in accordance with the following paragraphs of this regulation.

After paragraph (1)(b), there shall be inserted the following sub – paragraph –

“(b) the relevant authority is satisfied that the overpayment did not occur as a result of any change of dwelling occupied by the claimant as his home”.

For paragraph (2) there shall be substituted the following paragraph –

“(2) For the purposes of section 75(3)(b) of the Administration Act (recovery from such other person, as well as or instead of the person to whom the overpayment was made), where recovery of an overpayment is sought by a relevant authority –

the prescribed person from whom it is sought shall be –

(i) in a case where an overpayment arose in consequence of a misrepresentation or a failure to disclose a material fact (in either case, whether fraudulently or otherwise) by or on behalf of the claimant or any other person to whom housing benefit has been paid, the person whom is represented or failed to disclose that material fact in stead of, if different, the person to whom the payment was made:

(ii) in a case where an overpayment arose in consequence of an official error where the claimant or a person acting on his behalf for any other person to whom the payment has been made could reasonably have been expected, at the time of receipt of the payment or of any notice relating to that payment, to realise that it was an overpayment, that person instead of, if different, the person to whom the payment was made; or

(b) where sub – paragraphs (a)(i) and (ii) do not apply, the prescribed person from whom it is sought is –

(i) the claimant;

(ii) in a case where a recoverable overpayment is made to a claimant who has one or more partners, the claimant’s partner or any of his partners”.

The above regulations require local authorities to seek recoverable overpayments from the persons who caused the overpayment and not from the landlord unless the landlord could reasonably have known that the overpayment occurred. —Article Courtesy of NFRL

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Or if you’re not yet a member please use the form opposite →

**Many benefits including: Discounted insurance rates though the
Bateman Group, Supplier Discounts, Newsletters, Meetings, Interactive
Website, Free Downloadable Stationery... and much More.....**

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Protecting Listed Buildings (continued)

Sir Neil added:

“English Heritage welcomes the publication of this useful Government guidance. It will help local authorities deal with that minority of listed buildings where owners are damaging historic buildings by deliberately allowing them to fall into disrepair or carrying out illegal alterations.”

“Through this additional guidance from Government and support from English Heritage, local authorities will now have the confidence to deal with these problems swiftly and effectively, halting damage to important buildings and working with the owner to find a way to safeguard the future of the country’s most important buildings”.

Possession Claims — Online (PCOL)

The Possession Claim Online Project (PCOL) has just announced its national rollout starting 30th October 2006. The new web – based system will enable landlords and agents to manage claims in county courts for possession of residential property.

BACKGROUND

From June 2006 it has been possible for landlords to start possession actions against their tenants using an electronic online service instead of the traditional paper form – based process. The Possession Claim Online Project (PCOL) provides a web – enabled application to initiate and manage claims in county courts for possession of residential property where there has been non – payment of rent or mortgage.

PCOL will commence national deployment to all civil courts within England and Wales from 30th October 2006.

FEATURES

PCOL allows a landlord to begin a possession action against a defaulting tenant using an on – line system without having to apply to the local court to obtain and file the required paperwork. The various court forms are provided online, and the possession action is all handled electronically.

The PCOL system also provides the following facilities:

The ability to pay court fees electronically by credit or debit card and by direct debit in the case of bulk users such as Registered Social Landlords, local authorities or firms of solicitors specialising in possession actions

The ability to determine the correct court of issue based on the post code of the property

The ability to automatically allocate hearing dates on issue of the possession claim

Production and despatch of the claim pack to the defendant from a central point for claims received electronically

The ability for defendants to access the system, if they so wish, by a unique password and ID produced by the system

The ability for parties to conduct some other case related processes electronically, for example, issue warrants, make general applications

LIMITATIONS:

At present it will not be possible to use this process for the Accelerated Possession Procedure (APP) or possession actions of assured shorthold tenancies based on section 21 notices. Although it is ultimately envisaged that these types of possession actions will eventually be incorporated within the PCOL system, landlords are currently required to start such possession actions using the current paper – based process. The PCOL web address is: www.possessionclaim.gov.uk

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RegulatoryReformOrder (FireSafety)2005

TheOrdercomesintoforceinOctober 2006.

TheimplicationsfornewstyleHMOs (ex-sharedhouses),isinbrief:

ThisOrderdoesnotapplytoshared houses,astheyareregardedas dwellings.However,somelocal authoritiesarealreadyindicatingthat theOrderdoesapplytosuch properties.

Discussionsarebeingundertakenby theNFRLwhoare seeking thatatthe timeofitsIntroductiontheActisread consistentlybyalllocalauthoritiesand thatsharedhousesarerecognisedas nothavingcommonpartsandtherefore donotneedtocomplywiththis legislation.

Fortheinformationofmembers, old-styleHMOswillbeincludedin theseregulations.

Moreinformationcanbefoundatthe linkbelow:
www.communities.gov.uk/index.asp?id=1002882&PressNoticeID=2222

HomeInformationPack

From1June2007allhomeownersin EnglandandWaleswillneedto arrangeforaHomeInformationPack tobepreparedbeforeputtingtheir homesupforsale.ThePackswill containanEnergyPerformance Certificate,searchesandlegal documents,whichwillbe mandatory. AHomeConditionReport cansoalsoincludedbysellersona voluntarybasis.

Formoreinformationonthissubject pleasevisitthefollowinglink:
www.homeinformationpacks.gov.uk

SomeLandlordsStillUnlicensed

Despitetheriskofbigfines,large numbersoflandlordsarejustignoringthe newlicensingssystem.

Onelandlordassociationsaidrecently thatonlyaroundathirdoflandlordswho shouldbelicensedmayhaveappliedfor one.

Maybe theyarehopingthatthelegislation willberevisedoncethegovernment realiseshowhardtistointerpretand enforceorwhentheycometotermwith theshrinkageinthenumberofrented roomsavailable intheHMOsector,as landlordstakefrightandquitthe sector?

HMOsarewithoutdoubtaveryimportant elementinthe provisionofsourlyneeded housing,andany significantlossof capacityherewill affectbadlyacertain sectionofthecommunitywhichrelieson thistypeofaccommodation.

Therecanbenodoubtthatlandlordsare givinguponHMOs.Inarecentsurvey, 35percentofNationaltionofEstate Agents (NAEA)agentshavereportedariseinthenumberofHMO -type propertiescomingontothemarketand beingsoldoff.

Also,somelandlordsarecuttingthe numberofpeopleintheirpropertiesso thattheyfalloutsidethelicensingssystem. Asurveyofagentsbythe(NAEA)found thatjustundertwothirdsoftheiragent reportedlandlordswere doingjustthis.

**PLEASEDON'TRISK
BEINGFINED**

**CHECKANDREGISTERWITH
YOURLOCALAUTHORITYNOW**

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WhatisaHMO?

Amulti -occupancypropertyisoftenreferredtoasbeingaHMO (HouseinMultipleOccupation),orHMO.

'HouseinMultipleOccupation'isnowdefinedinPart7HousingAct2004. Thedefinitioniscomplex,andHMO'saredefinedaccordingtothefollowing: -

StandardTest -generallyforsharedhouseswithcommunal facilities

SelfContainedFlatTest -forsharedflatswithcommunal facilities

ConvertedBuildingTest -forbuildingscontaininglivingaccommodationwhichisnot entirelyselfcontainedflats,eitheramixofselfcontainedflatsandotherunitssharing facilities,orflats,atleastoneofwhichhavesomefacilityoutsidetheentrancetothe flat,evenifforexclusiveuse.

ConvertedBlocksofFlats -forbuildingswhichareconvertedintoentirelyself containedflats,andtheconversionworkdoesnotmeetthestandardsunder BuildingRegulations1991andlessthan twothirdsoftheflatsareowner -occupied.

AllHMO'smustcontain2ormorehouseholds.Ahouseholdcanbeafamily,a couple(includingsamesexcouples)orasingleperson.Peoplewhoareunrelated willgenerallybetreatedasseparatehouseholds.

Propertiesoccupiedbyonly2peoplelivingin2householdsareexemptedfromthe definition.ThereforeanHMOmustcontain3ormoreoccupants,includingchildren orbabies.Therearearangeofotherexemptions,includingpropertiesoccupiedbya residentlandlord,hisfamilyandnotmorethan2unrelatedpersons.Theexemptions arecontainedinSchedule14HousingAct2004andSchedule1oftheLicensing& ManagementofHousesinMultipleOccupationandOtherHouses(Miscellaneous Provisions)(England)Regulations2006.

ElectricalAppliancesandEquipment ElectricalEquipment(Safety) Regulations 1994

Itisalegalrequirementthatallelectrical appliances(includingimmersionheaters andcookers,kettles,etc)suppliedmust besafeandassuchshouldbetestedby aqualifiedelectrician.

Anyitemthatyouleaveintheproperty thathasapluginitmustbechecked andrepairedorreplacediffoundtobe faulty.Allitemsshouldbelabelledand recordssuppliedtotheAgent.Instruction booksshouldalsobesupplied.

Anyelectricalworkontheproperty carriedoutafterJanuary2005mustbe carriedoutbyaqualifiedelectricianand supportedwithacertificate

GasSafety(InstallationandUse) Regulations1994&1996

Allgasappliances,includingcentral heatingssystem,cookers,heaters,fire, fluesandpipework(etc.)mustbe servicedandsafetycheckedonan annualbasisandmaintainedbya CORGIorBritishGasregistered/ authorisedengineer.

Acopyofthegasafetycertificatemust begiventothetenantalongwithdetails ofanyremedialworkrequired/carried out.

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