

Renting and Letting: Practical Legal and Financial Advice ("Which?" Essential Guides) (Paperback) by [Kate Faulkner](#) (Author)

This book is not one to be read cover to cover. Instead it is a crucial reference for anyone who is either a landlord or a tenant.

ISBN-13: 978-1844900299 Price: £7.17 Amazon Books

Letting Your Property (You Need This Book First) (Paperback) by [Mark Fairweather](#) (Author), [Rosy Border](#) (Author)

A concise guide to what you need to know before letting properties. Essential reading for anyone interested in becoming involved in the property business, or those thinking about renting property too.

ISBN-10: 1859418554 Price £13.95 - Amazon Books

How to Make Money from Your Property: Add Pounds to the Value of Your Property (Hardcover) by [Fiona Fullerton](#) (Author)

Easy to read, well laid out, and informative. It was friendly and didn't expect any competence/experience of the reader. The main points were stressed a few times, and handy lists appeared frequently so that you could see things at a glance at a later date.

ISBN-10: 074992215X Price (From) .51p (New & Used Amazon Books

Website Links you may find useful:

Plymouth City Council : www.plymouth.gov.uk

Bristol City Council: www.bristol-city.gov.uk

Tenancy Deposit Schemes:

www.depositprotection.com (CUSTODIAL)

www.mydeposits.co.uk (INSURANCE BACKED)

www.tds.gb.com (INSURANCE BACKED & RESOLUTION SERVICE)

Valuation Office (District Valuer) www.voa.gov.uk

Buy-To-Let Finance: www.themoneycentre.co.uk

Rental Property Knowledge: www.landlordzone.co.uk

National Federation of Residential Landlords (NFRL) www.spla.co.uk

Courtesy & thanks to Letting Network, Landlord-Law, PCC, NFRL , NLA , RICS and all others for the use of some or part articles within this newsletter



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Contact: (01752) 242980

Email: landlords4landlords@hotmail.co.uk



NEWSLETTER

Welcome and Seasons Greetings,

To our December 07 / January 2008 issue.

We as landlords are continually under a barrage of new regulation implementation. This issue brings you, yet again, more landlord articles. We are working on delivering more regular E-Bulletin updates for you in 2008 - if you have not been receiving these, please supply us with your email address to be included in future issues.

Landlord forced to repay students

A landlord who failed to properly license his flats for multiple occupancy in Leamington Spa is being made to pay 15 of his university student tenants more than £18,000 in what is believed to be the first case of its kind in England.

The students, who lived in two flats between September 2006 and June 2007, claimed the money back from Baljinder Bahi following a tribunal at Leamington Town Hall in October.

The tribunal also heard there were problems in the flats which Bahi failed to rectify. The landlord was contacted by Warwick District Council in April 2006 and despite several reminders he failed to submit licence applications. He was later prosecuted and fined £3,057.80 by Stratford magistrates.

Ken Harris of Warwick University's advice and welfare department decided to pursue the case and used the introduction of recent legislation that allows students to claim rent repayment. They were represented at the tribunal by Josh Nawraf who is reading English at the university and who lived at one of Bahi's properties.

In an interview with the Kenilworth Weekly News Josh said: "It was brilliant to hear we would get some of our money back and we're just really grateful to the university for taking so much interest and fighting our case for us.

" Mr Bahi was just very evasive throughout the year. He was really matey on the phone but then would just not get anything done.

" It is nice to see that landlords can't get away with doing nothing and that they have to hold up their end of the bargain."

Cr Michael Doody, the councillor responsible for housing said the tribunal decision should be a warning that the council's private sector housing team will actively pursue other landlords who have not submitted a licence application.

He said: "Any which proceed to prosecution will give the tenants the opportunity to make a similar claim."

Landlords Forced to repay students..

Planning Enforcement Fine

Fine for Landlord
—'Kids Left at Risk'

TDS Disputes

Fight to keep pony in flat

Forthcoming Property Auctions

Interest Cut Welcomed

Alternative to TDS

Landlords Shun Deposits

HIP Update

Forthcoming Events

Growing Demand — Students

Land Registry

- Removes Deeds from internet

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Tenants From Hell

Landlord Appeal (Case)

Case Law

Questions & Answers

Repossessions—Feedback

HMO Requirements

Bristol News

Books and Links

Record planning enforcement fine

A £150,000 fine has been handed out to a landlord who turned a Hounslow bungalow into 10 self-contained bedsits, believed to be London's biggest planning fine.

Vikas Subharwal converted the property in 106 Wellington Road North, Hounslow, into rental units, despite being refused planning permission for the development. Hounslow council served him with a planning enforcement notice in July 2005 requiring him to restore the property to a single family dwelling.

He refused to comply with the council's demands and was taken to Isleworth Crown Court where he was found guilty of failing to comply with the terms of the enforcement notice and fined £150,000.

In mitigation, Subharwal gave contradictory evidence about the ownership of the property and the number of bedsits. The father of two told the court that the property was half-owned by his brother and stated on his Legal Aid application that he only owned a third-share in the house. However, a Land Registry revealed that Mr Subharwal is the sole owner of the property.

He also revealed that the property was generating an income of around £4,000 per month.

In sentencing the defendant, Her Honourable Judge Dangor said that Subharwal had been less than truthful with the court, had caused much delay to the prosecution and had shown a flagrant disregard for the enforcement notice.

Subharwal, who lives with his brother in Wraysbury, Surrey, could now face up to three years in prison if he fails to pay the fine and comply with the terms of the enforcement notice, which requires him to stop the use of the property as bedsits; remove the kitchen and bathroom from each of the bedsits and restore the property to single family dwelling.

Fine for landlord as kids left at risk

Ben Rossington, Liverpool Echo

A MERSEYSIDE landlord has become one of the first in the country to be prosecuted for allowing young children to live in dangerous conditions.

Under the Housing Act 2004, Evelyn Waller was fined £400 by St Helens magistrates court for leaving the house with exposed electrics and smashed windows.

Waller, of Conwy, North Wales, pleaded guilty by post to breaching housing regulations at the property on Clipsley Lane, Haydock.

Magistrates were told that Waller's tenants in the house were a young mother and her three children.

They faced a freezing winter with no central heating and rising damp.

But, despite repeated warnings from St Helens Council, conditions became so bad that the family were forced to look for somewhere else to live. Waller was served with a legally-binding Improvement Notice but the work remained undone.

A St Helens council spokesman said: "An Improvement Notice was served giving the landlord 10 weeks to start work and six weeks to finish it. "The house was in a very dangerous and deteriorated condition.

"In particular there were old and exposed electrical components that could be accessed by children, smashed windows which the children could injure themselves on and lack of central heating over winter months and extreme damp."

Waller, who didn't attend the hearing, was also ordered to pay court costs of £1,500.

FORTHCOMING EVENT

Landlord Buy To Let Show

London Olympia
Saturday 19th April 2008

More Info: www.landlordshow.com

Membership Application Form

Please complete the details below and return with a cheque for **£35** (this amount includes a "one-off" joining fee of £10) payable to "Westcountry Landlords Association"...Or join online at www.wlainfo.co.uk

After Completion return to

Westcountry Landlords Association
P.O. Box 454
Plymouth PL3 4WL

Trading Name:

Surname (Mr/Mrs/Ms/Dr)

Christian Name(s):

Partners Surname (if applicable):

Partners Christian Names:

Full Address:

Postcode:

Telephone No. (Day):

Telephone No. (Evening):

Email Address

Choose preferred password
For members area website access

Where did you hear about us ?

Signed:

Dated:

Above Information will be held on a computer system and shall be kept Private & Confidential.

Membership year runs from 1st January — 31st December

CUT HERE



YOUR FEEDBACK NEEDED

Have you ever bought a property that has been repossessed? Did you encounter any difficulties before or after the sale? Have you experienced any problems letting a property that has been repossessed, either with new or existing tenants? Or have you ever tried to buy a repossessed property but the sale fell through?

I am writing a book about buying repossessed property and I would really like to hear your story, as a landlord. If you have any experiences that you would like to share with others, please email me, Dr. Catherine Dawson at drcatdaw@yahoo.com. I look forward to hearing from you.

HMO REQUIREMENTS

There are certain requirements that must be met when a property is licensed. Briefly the requirements for licensing are that: each individual licensable Houses in Multiple Occupation (HMO) is licensed

- there are adequate amenities and the house is not overcrowded
- the licensee is a 'fit and proper person'. In general terms this is a person who has complied with housing and related legislation, is competent to manage the property and has the resources to do it
- electrical appliances are safe
- furniture/furnishings are safe
- landlord gas appliances are safe
- fire alarm systems are maintained
- a copy of a 'written statement of the terms' of occupation is provided to the occupiers
- the HMO will be properly managed
- other requirements may also be specified

* Please check any other requirements with your own Local Authority *

Bristol News

***Forthcoming Bristol Expo 15th May 2008
(The biggest in the west — not to be missed)***

Phil Gilbert (Landlord Liaison Officer) - New contact details:

Lipscombe House 7-8 Portland Square Bristol BS2 8ST

Tel: 0117 3533 865 Email: philip.gilbert@bristol.gov.uk

Having a problem reading this newsletter ?

Larger print version available on request

***If you're not already a member you may wish to join this growing association. →
Alternatively, members may wish to recommend a friend.
Many benefits of membership.....
Or Join online at www.wlainfo.co.uk***

Damage and cleaning top TDS disputes

Published statistics have given the first real glimpse of how successful The Tenancy Deposit scheme (TDS) has been during the six months since it became a legal requirement in the Private Rented Sector.

217,134 landlords have joined to the scheme, covering 282,364 tenancies that house 428,769 tenants.

The TDS is one of the three schemes authorised by the Government. It aims to safeguard more than £283m in tenants' deposits. The average deposit covered by the scheme is over £1,200.

The autumn TDS news bulletin shows that the volume of disputes is rising and the first disputes under the new statutory requirements are beginning to appear.

More than half of all disputes include disagreements over cleaning premises at the end of a tenancy.

Nearly half involve damage while other dispute favourites include rent arrears and gardening. Overall, the scheme has found equally in favour of landlords and tenants.

The autumn news bulletin is the first issue to be published since deposit protection became mandatory and it shows the success of the scheme in coping with the flood of a totally unpredictable number of enquires.

At its height, during April, the numbers peaked at more than 3,000 calls a week. This has now settled at an average level of 800 calls a week.

The bulletin shows membership of the TDS running at some 5,350 branches, belonging to some 3,500 letting firms.

Eighty per cent of these firms are regulated by membership of their professional bodies, while most of the rest are either unregulated or belong to other industry organisations.

There are also a number of corporate landlords, some of them particularly active in the student sector of the lettings market.

**FREE e-bulletins
for all Landlords**

**Just register your details at
www.wlainfo.co.uk**

Woman Fights to Keep Pony in Flat

A disabled woman is suing her landlord for infringing her human rights by refusing to allow her to keep a miniature horse in her home, to help her pull her wheelchair, says the Daily Telegraph, 14 November 07.

The lady who lives in Waitsfield, Vermont, USA, paid \$1,000 for the 32 inch gelding, which she wants for trips to into town, but the managing agents are denying her request to keep the animal in her home.

They have pointed out to her the hazards of dung, haystorage and lack of grazing space, but she insists the animal is house trained and will be happy in the stall she built in her living room. She claims she is being denied "reasonable disabled accommodation"

FORTHCOMING PROPERTY AUCTIONS

PLYMOUTH Shobrook & Co

Tel: (01752) 663341

Email: info@shobrook.co.uk

Website: www.shobrook.co.uk

Venue: New Continental Hotel Millbay Road

**NEXT AUCTION DATE:
SPRING 2008**

PLYMOUTH Fulfords — Westcountry Property Auctions

Tel: 0870 2414343

Email:

Info@westcountrypropertyauctions.co.uk

Website: www.fulfords.co.uk

Venue: Novotel Hotel —Marsh Mills

NEXT AUCTION DATES: 4th / 5th MAR 2008

BRISTOL Maggs & Allen

Tel: 0117 949 1888

Email: admin@maggsandallen.co.uk

Website:

www.maggsandallen-auctioneers.co.uk

Venue: The Bristol Golf Club

Blackhorse Hill Almondsbury

NEXT AUCTION DATE: 31st January 2008

Interest rate cut welcomed

The Bank of England Monetary Policy Committee has announced a 0.25 per cent interest rate cut, bringing down the rate to 5.5 per cent.

The reaction has been consistent: the news was welcome but further cuts are hoped for in the coming months.

Ross Bowen, managing director of Connells S&V: "We are now looking for the next cut to follow soon to help rebuild consumer and market confidence."

Simon Rubinsohn, chief economist at the Royal Institution of Chartered Surveyors: "Our support for the move is based on the recent run of disappointing economic data which extends way beyond the housing market. We expect the Bank to follow up today's cut with a further reduction early in the new year."

Mike Ratcliffe, chief executive of Wolsey Securities: "On its own, this 0.25 per cent cut will not be enough to bring a brighter outlook in the New Year, unless it is followed on 10 January by a further cut of at least half a percent."

Stuart Law, chief executive of Asstet: "It is too little and too slowly."

Paul Smith, chief executive of haart estate agents: "It is really a decision that should have been taken sooner to pre-empt current problems."

Richard Donnell, director of research at Hometrack: "Today's cut in rates will provide a much needed boost to confidence in the housing market where most participants are sitting on their hands until the outlook becomes clearer. Buyers are still going to remain price sensitive and this will result in a continuing slowdown in house price inflation over 2008."

Michael Coogan, Council of Mortgage Lenders director general: "We still need the authorities to intervene more aggressively to open wholesale funding markets. There is a real need to minimise the shortfall between demand for mortgages and lenders' capacity to supply them."

06.12.07

NEW ALTERNATIVE TO TDS

Those landlords that have been taking a deposit from their tenant since 6th April 07 should know that they need to use either the "custodial" scheme where a third party holds the deposit or one of the two "insurance" backed schemes allowing the landlord to hold it. A landlord also has to tell tenants which scheme they are using within fourteen days of receiving the deposit by issuing them with information as prescribed by section 213 of the Housing Act 2004.

If a landlord takes a tenancy deposit and doesn't use one of the approved schemes, penalties include having to pay the tenant an amount of three times the deposit.

Also, a landlord will be unable to regain possession under the so-called "accelerated possession procedure" using a section 21 Notice.

Landlords shunning deposits

Evidence has emerged that a significant number of landlords are not taking a tenancy deposit at all. A recent reader survey by "Landlord" magazine show that 23% of landlords surveyed are choosing not to take a deposit at all leaving them potentially open to bearing the financial costs of incurring damage to their property.

Home Information Packs Law For Studio, 1 & 2 bed homes * NOW IN FORCE *

As From 14th Dec 2007 Studio, 1 and 2 bedroom homes new to market will require a HIP or face a £200 per day fine.

Attract quality tenants

List your property on all major directories. Complete package £99 advertised 'till let.

Plymouth Estates

Call (01752) 407774 / 07913 849703

www.plymouthestates.co.uk

www.southwestlettingagent.co.uk

Q: What is a House in Multiple Occupation (HMO)?

A: A property can be defined as HMO within the terms of the council tax regulations. This means that the property is occupied by more than one person who forms more than one household or that the property has been constructed or adapted in such a way as to allow more than one household to live in the property. Also the tenant/licensee occupies only part of the dwelling and is only liable for rent for the part of the premises that they occupy. An example would be where the tenant is liable for rent on an individual room basis and shares a bathroom and toilet with other tenants. The Inland Revenue Valuation Service designates a property as this type of dwelling and the landlord is liable for paying the tax.

Q: Council Tax and Students - I am letting a student house (which is an HMO) to students. Everyone in the house is a student, so do I need to pay Council Tax ?

A: With normal HMO tenants the landlord is responsible to the Council for paying Council Tax.

So in effect the landlord becomes a tax collector by adding this to his rent and passing it on to the Council.

The landlord must therefore keep detailed records of when tenants come and go and carefully calculate Council Tax liabilities.

In the case of students it's different. They are fully exempt Council Tax, so providing all the residents are students, the whole house is exempt (paragraph 4 of Schedule 1 to the Local Government Finance Act 1992).

However, if just one resident is not a student, the whole house becomes a taxable residence and the landlord then becomes liable to pay the Council Tax for all the residents, students or not.

Q: Will there be police checks undertaken on all people applying for HMO Licenses?

A: Local Authorities will be undertaking internal information checks within the council and other councils for all persons to be assessed as fit and proper. A fit and proper person is a person who has complied with housing and related legislation, is competent to manage the property and has the resources to do it. Also Criminal Records checks will be required in a random sample of applications and where it is deemed necessary from information acquired.

Q: What is a self contained flat?

A: A self contained flat is a unit of living accommodation, which has individual amenities located within the accommodation behind a single door.

Q: If a self contained flat is occupied by five or more people in more than one household, are the other storeys in the building counted when determining if the property needs a HMO licence?

A: No. The property will not require a licence.

Q: My tenant owes 2 months rent. What can I do?

A: Issue a Section 8 Housing Act 1988 notice. The Grounds are 8,10 and 11. If the tenant still owes 2 months rent at the date of the Court hearing, the Judge must make an outright possession order.

Q: Housing Benefit are taking 2 months to process claims - What can I do?

A: Ask for an Interim Payment. (Reg:91(1)) The legal position is that, 14 days after having all the information necessary to process a claim, the council has to either pay in full, or, if it cannot, it must make an Interim Payment based on the information available.

Q: Housing Benefit want to recover from me some benefit they say has been overpaid.

A: If the benefit was paid to you, it can be reclaimed from you. You should first write to the council asking for the exact reason for the overpayment. Then ask for a review of the decision, putting all the blame on the tenant's failure to notify a change of circumstances.

If the council still want the money back from you, you are entitled to have an independent appeal tribunal decide the matter. These are chaired by legally qualified non-council personnel.

Q: The Council want me to repay £1000 Housing Benefit. The tenant was caught "working on the side" and was not entitled to the benefit ?

A: Under Regulation 101(b) the Council should be chasing the criminal tenant. You should appeal to a Housing Benefit Appeal Tribunal, who, as long as they do not think you were aware of the tenant working, will not hold you liable.



DILAPIDATIONS

Latimer v Carney [2006] EWCA Civ 1417 [2006] 50 EG 86 – Damages for breach of repairing covenant. What is required to prove diminution in value? Can diminution in value be inferred from estimated repair costs?

This case shows that gaps in the evidence in a repairing case are not always fatal. A landlord pursued a claim for terminal dilapidations.

The landlord had carried out works to the premises in question, and had

obtained a surveyor's report on the works required to remedy the breaches of covenant and their estimated cost. The landlord adduced no evidence as to what the work had actually cost or as to the diminution in value caused to its reversionary interest by the tenant's breaches of repairing covenant. The trial judge dismissed the claim but, in the Court of Appeal, the landlord's appeal was allowed in part. The Court of Appeal held that it was possible to infer diminution in value, without the benefit of expert evidence, from the work which the landlord had actually done and the estimated cost of that work. Thus, despite living dangerously, the landlord recovered some relief.

POSSESSION—SECTION:8

Leadenhall v Stirling

Introduction

The tenancy is assured and the landlord obtains an order for possession on Ground 8, together with a money judgment for the arrears. The tenant then offers to pay the arrears at so much per week. The landlord agrees and does not enforce the order. The current "rent" is paid by housing benefit. It is only when the tenant stops making payments that the landlord seeks to enforce the order for possession. The tenant then argues that a new tenancy has been created. What is the position?

This was the issue in *Stirling v Leadenhall*, decided by the Court of Appeal on 29 June 2001. In this case report barrister [Nicholas Allen](#) of 29 Bedford Row, who was junior counsel on behalf of the landlord, explains.

A property was let by a private landlord (L) to a tenant (T) on an Assured Tenancy (AT) under the Housing Act 1988 (HA 1988). Ts rent was paid by way of housing benefit. After the expiry of the fixed-term, T continued in possession on a statutory assured periodic tenancy (HA 1988 s5.

L served a HA 1988 s8 notice setting out (amongst others) the mandatory Ground 8 in respect of arrears of rent. L subsequently brought possession proceedings on these grounds. The court made an outright order for possession on Ground 8 and gave a money judgment for the arrears of rent. The order expressly stated that the landlord "be at liberty to accept mesne profits at the rate of £411.66 per month until possession is given".

After the order was made, but prior to the date that possession was to be given up, T wrote to Ls agents setting out a repayment plan in respect of the arrears. This offer was accepted and no warrant for possession was issued and executed. Housing benefit continued to be paid in relation to the former rental figure and T paid the arrears in accordance with the repayment plan.

When T eventually failed to comply with the repayment plan, L brought possession proceedings. T claimed that a new assured tenancy had been created when L accepted his offer in relation to the repayment of arrears. Ts defence failed both at first instance and before the circuit judge and an order for possession was made. The tenant then appealed to the Court of Appeal.



Growing demand for student accommodation

With the closure of the Exmouth campus in July 2008, there will be an additional 1,200 students studying on the university's Plymouth campus.

This means that the high demand for all types of student accommodation experienced in Plymouth this year will be sustained and increased for 2008.

The university's Student Accommodation Office maintains a database of over 5,000 rooms in privately managed accommodation. Landlords on our database sign up to a charter and our team inspects each property on an annual basis. The Student Accommodation Office can mediate between students and landlords and help resolve difficulties within database properties.

With the expected increase in student numbers, we are looking to increase the number of rooms on our database.

We are looking for flats, student share houses and family houses.

Current popular areas for accommodation include Mutley, Greenbank, Lipson, St Judes, Pennycomequick and Peverell. However areas such as Mannamead, Mount Gould, Stoke and Stonehouse are beginning to attract students. Distance from the campus is less of an issue if the property is on a frequent bus route. Similarly with an increasing number of courses being delivered to the north of the city, properties on bus routes to Tamar Science Park and Derriford will be welcomed.

All properties must have all the necessary fire precautions and, if there are gas appliances, hold a current gas safety certificate. HMO's must be licensed.

More information on our service can be found at:

www.plymouth.ac.uk/accommodation/landlords

or by contacting our office on 01752 232062 / email landlords@plymouth.ac.uk

The Land Registry Removes Deeds from the Internet

Following a spate of scams involving mortgage deeds and payouts (our money) to the tune of £25m, the Land Registry has realised that it's plan of having deeds and leases available on-line, complete with signatures, was not such a good idea after all. It's seems that a combination of on-line transactions and information means there's no end to the ingenuity of fraudsters. One fraud (just one of about 70 over 3 years) has resulted in a tenant taking out a £140,000 mortgage on a property he occupied and then disappearing with the funds. It took the owner landlord months of struggle to reclaim his ownership and to get the Land Registry to accept responsibility and pay out compensation. The worry is these documents are still available if you know how to get them, a potential goldmine for identity fraudsters.

Westcountry Landlords Association

CONTRACTORS & SERVICES

Some of our members have used these contractors and services below and would like to recommend them to other landlords

PLEASE NOTE

The WLA does not accept responsibility for third party providers / services below

PLYMOUTH

Dale Domestic Appliances *

30 Dale Road
Mutley
Plymouth PL4 6PD
Tel: (01752) 266409

Already Property Services *

5 Loftus Gardens
St. Budeaux
Plymouth PL5 1NZ
Tel: (01752) 369843
Mobile: 07799 856663

181 Respin *

181 Healy Place
Plymouth PL2 1SE
Tel: (01752) 606359

Palladium Builders Merchants *

158 St Levan Road
Plymouth PL2 1PT
Tel: (01752) 551881
(Call WLA for discount code issued for members)

Fras999 *

Fire Risk Assessment & Fire Safety Advice
Tel: (01752) 880064
Website: <http://www.fras999.co.uk>

A M Pat Testing—(Portable Appl. Testing)*

Tel: (01822) 820476 Website: www.ampat.eu

Nash & Co LLP (Solicitors)

Beaumont House
Beaumont Park
Plymouth PL4 9BD
Tel: (01752) 664444

Larry Speare Carpets & Beds

Rendle Street
Plymouth PL1 1TP
Tel: (01752) 220964

* Denotes WLA Discount Available

BRISTOL

Furnished Homes *

Underley Furnishings Ltd
Great Western Business Park
Armstrong Way
Yate
Bristol BS37 5NG
Tel: 0845 603 1553
Website: www.furnishedhomes.org
(Suppliers of Robust, Durable Furniture)

The Sale Shop *

203 Cheltenham Road
Bristol BS6 5QX
Tel: 0117 907 1785
(Suppliers of new furniture for the office or landlord)
Website: www.thesaleshopbristol.co.uk

Landlords Safety Services *

129 Fossway Road
Hengrove
Bristol BS14 9QL
Tel: 01275 832284
(Corgi safety checks and PAT testing)

Emmaus Bristol *

Barton Manor
St. Philips
Bristol BS2 0RL
Tel: 0117 9540886
(Used household goods for the Landlord)
Website: www.emmausbristol.org.uk

AMD Solicitors

2 Station Road
Shirehampton
Bristol BS11 9TT
Tel: 0117 9235562

(Contact: Chris Brown & quote WLA Membership Number)

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Tradesman or Service and
been satisfied ?**

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OR

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advertise in next newsletter?
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Westcountry Landlords Association

TENANTS FROM HELL

(True stories from Landlords)

"When I first started renting out a flat I made the mistake of thinking that this particular group of tenants, who were all media types would really look after the place. Consequently I didn't check out their references straight away. As sometimes happens, they skipped out on the rent. When I got to the property to see if they'd left any trace of where they'd gone, I found they'd taken this really stylish three-piece suite out into the garden to enjoy the sun and just left it there to get rained on for days."

Sally, Norwich

"I actually had two really nice tenants move into my flat after a previous tenant had seemingly done a runner. The new tenants were keen to tidy the place up and make it their own, but every carpet they turned over they'd find a knife or sharpened screwdriver or something. Underneath the kitchen lino was this hole, where the previous tenant had obviously lit fires. We sorted all that out between us then I got a call from them to say they'd just been raided by the murder squad. The previous tenant had been found dead in the River Trent. Just to make it worse, a couple of the deceased's friends came round looking for her, and this couple found themselves having to break the bad news to total strangers. Not surprisingly they moved out soon after."

Todd, Sheffield

"I had one tenant who was so stupid that he'd lock himself out of his flat at least once a week and expect me to go and let him in. When I refused to do it one night, he kicked down the door."
Heidi, Leeds.

Appeal by Mr & Mrs Evans against LB Camden for serving an improvement notice on Flat 7, 37-41 Gower Street, London WC1E 6HH

This decision concerns an appeal against an improvement notice dated 13 June 2007 in respect of a category 1 excess cold hazard.

Whilst the appeal hearing considered a number of issues, the most significant related to local housing authorities' power of entry under section 239(5) of the Housing Act 2004. The Tribunal ruled that:

"...the purpose of section 239(5) of the Housing Act 2004 is to give a mandatory warning to occupiers and owners of an inspection and some opportunity to deal with it before inspection and the service of the notice'.

The Tribunal also considered that:

"Express provision is made in the Act for urgent situations where entry can be affected without notice", but that the circumstances in this case did not constitute such an emergency.

Because LB Camden had not given both the owner and occupier at least 24 hours notice of their intention to inspect the premises, the Tribunal ruled that the lack of a warning had deprived the appellants of the opportunity to deal with the problem prior to inspection, which therefore invalidated the notice.

For this reason (amongst others), the Tribunal allowed the appeal and quashed the notice. We understand that LB Camden have requested leave to appeal to the Lands Tribunal.

More than a Man & Van



Helpful assistance

(01752) 369843
07799 856663

Already Property Services
www.alreadyproperty.co.uk
Clearances, Man & van, Handyman