

The Essential Landlords Guide

**THE ULTIMATE TENANCY
COMPLIANCE CHECKLIST**



Property Address:

Landlord Name:

Tenancy Start Date:

Tenancy Term:

months



Pre-Tenancy Checks

Consents to Let

If there is a mortgage, is the necessary consent in place to allow the property to be let?

Is there a specific landlord insurance in place?

If the property is leasehold, ensure are there any covenants being breached

As a landlord, are you registered with the Information Commissioners Office (ICO)?

Safety Legislation

Gas Safety Certificate: Has this been completed by a Gas Safe registered engineer prior to the tenancy starting and a copy given to the tenant?

Electrical Installation Condition Report (EICR): Is there a valid EICR certificate on the property and a copy given to the tenant at the start of the tenancy?

Smoke & Carbon Monoxide Detectors: Are the necessary alarms installed as per the current regulations? For example, is there a working smoke alarm on each floor?

Has a **Portable Appliance Test (PAT)** been conducted on every appliance belonging to the landlord that has been left at the property?

Is there a valid **Energy Performance Certificate (EPC)** for the property with a rating of 'E' or above to comply with the Minimum Energy Efficiency Standards (MEES)?

Is there a **Housing Health and Safety Rating System (HHSRS)** risk assessment on file?

Is there a **Fit For Human Habitation (FFHH)** assessment on file?



Setting up the Tenancy

Has the tenant(s) been fully referenced to check financial viability and employment details?

Right to Rent checks on all 18+ occupiers are compulsory. Failure to do this can result in a prison sentence and a large fine under the Immigration Act 2016.

All personal documents are kept securely in line with GDPR Regulations.

If a Tenancy Deposit has been taken, is it protected and registered with an appropriate Government Scheme?

Has the Deposit Protection Certificate and Prescribed Information been served to the tenant?

Is there sufficient proof that the Gas Safety Certificate, the EICR and the EPC have all been served to the tenant?

Is there sufficient proof that the correct version of the Government issued 'How to Rent' guide has been served to the tenant prior to the start of the tenancy?

If there is a license applicable to the property, has a copy been issued to the tenant?

Proof that the relevant documents have been served is essential if you ever need to give notice to take possession of the property from the tenant. Without the necessary proof, the court will dismiss the application.

Is there a legally binding Assured Shorthold Tenancy (AST) in place which details the fixed term of the tenancy, rent payments and all necessary obligations?

Is there sufficient proof that the AST has seen a draft copy of the agreement for them to read and understand prior to the tenancy starting?

Is the tenancy agreement signed and dated by ALL parties?

If there is a Guarantor in place, have ID, address and contact details been saved securely?

Is the guarantor agreement signed and dated by ALL parties?

Has there been a thorough, detailed photographic inventory prepared on the property and signed by the tenants to show that they agree with the condition and contents of the property on the day of move in?

A hand is shown placing a wooden block labeled 'Compliance' on top of a stack of other wooden blocks. The stack consists of six blocks, with the following text from top to bottom: 'Compliance', 'Rules', 'Standards', 'Policies', 'Regulations', and 'Law'. The background shows a person wearing a light blue shirt and a red tie with a small pattern. The scene is set on a dark grey surface.

Compliance

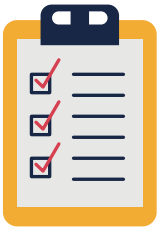
Rules

Standards

Policies

Regulations

Law



Starting the Tenancy

Has each tenant signed all documents in relation to the tenancy and have signed copies of all documents?

Has the tenant received your bank details and do they know how and when the rent is payable? This information should also be defined in the tenancy agreement.

Have the tenants been issued with the inventory and been made aware of their obligations to sign and return it within an agreed time period OR, alternatively, have you met the tenants at the property to mutually agree and sign the document. This is to ensure a smooth conclusion at the end of the tenancy.

Has the property been attended on the day of move in, prior to handing the keys over, to check all smoke alarms are in working order and to ensure that the tenants are aware of their ongoing responsibilities regarding smoke and carbon monoxide detectors to comply with regulations?

Has the tenant signed a document to prove that they are aware of the above responsibilities?

Have the tenants been made aware that, under the terms of the tenancy agreement, you will visit the property periodically in line with the Housing Act regulations to check that the tenancy agreement is being adhered to?

Please be aware that tenants require a minimum of 24 hours notice to enter the property so as to not breach their quiet enjoyment and to avoid breaching the Protection from Harassment Act 1997.



During the Tenancy

Regular Checks

Ensure that all legal certificates are renewed prior to expiry, not allowing any to run out.

Ensure that if a certificate is renewed during the tenancy, new certificates are issued to the tenant.



During the Tenancy continued

Inspections

Decide at what intervals periodic inspections will take place: _____ months

Have you checked time sensitive visas in line with the Immigration Act 2016? If occupiers who do not prove their right to reside in the UK then this must be reported to the Home Office to avoid a possible prison sentence and a large fine.

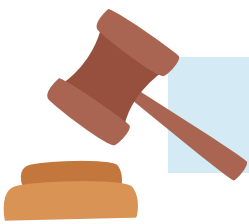
Have you checked to see if there are any over 18's who were previously under 18's at the start of the tenancy or at your last property visit? If so, Right to Rent checks must be done.

Are photographic, detailed inspection reports on file?

Have you an audit trail of every maintenance issue reported by the tenant? You must have evidence of maintenance issues being received and responded to in writing.

Do you complete all maintenance issues in a timely manner and keep tenants informed throughout the process? You need to seek permission to enter the property in every instance. Keep all correspondence and interactions with detailed notes as you may need them as evidence at a later date.

If, during these inspections, you see any signs of illegal activity, you are obliged to report them to the relevant authorities or you may be charged under the Proceeds of Crime Act 2002. If you see any signs of unauthorised occupants, they must have their ID's verified. Failure to provide ID will require you to report the unauthorised occupants.



Notice to Vacate - Section 21 Notice

Have you used the correct Form 6a?

Did you ensure that all relevant documents to allow notice were issued to the tenant in line with the Deregulation Act 2015. These are; the EPC, Gas Safety Certificate, EICR, How to Rent Guide and any relevant license.

You must ensure that the notice is not a retaliatory eviction under section 33 of the Deregulation Act 2015?

If your tenants fail to vacate within the statutory two months notice period, do not, under any circumstances, enter the property as you will be breaking several laws including the Protection from Eviction Act 1977. Seek immediate legal advice as you will need to seek possession through court. When you do get possession, you must still wait for the tenant to surrender the keys before you can legally enter the property.



Summary

There are over 170 pieces of legislation that govern the Private Rental Sector, some more dominant than others.

There are many instances where falling foul of the regulations could have serious repercussions including:

Fines and Penalties
Banning Orders
The inability to seek Possession Orders
Imprisonment

It is always tempting to manage a property yourself to reduce costs and potentially increase the return on your property investment.

However, there are plenty of reasons why using a professional letting agent can be vastly beneficial later on in the process.

Few of us service our own car. It requires knowledge and tools that most people just don't have. If you don't trust yourself to service your own car why would you trust yourself with a much more valuable asset?

A letting agent has two objectives. Firstly, to help maximise the return on your investment, and secondly, to keep you and your property safe and compliant. With compliance, a mistake may well cost much more than the fees an agent would charge. Fees should be looked at in terms of value and not cost.

Failure to meet your legal obligations can result in large fines or even imprisonment and Ignorance of the law is no excuse. In the eyes of the law, it is assumed that you know and understand every piece of relevant legislation pertaining to the private rental sector.

A letting agent is the buffer between you and your tenant. If you are not a professional landlord, dealing with tenants can be awkward, especially during a dispute. A good agent will represent you and protect your interests.

If you would like to discuss how we can help you manage your property, whether you are a portfolio landlord or a buy-to-let novice, feel free to contact our team on **01332 300190** or speak to **Jane Mason** on **07989 858850** for a no obligation chat.

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Landlords, our objective is to maximise the return on your investment and keep you and your property safe and compliant.



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