

Renting a property from a private sector landlord



torbay housing partnership



Renting your first home

Renting your home through a private landlord or an agent is relatively easy and is often the first accommodation people live in once they leave home. Many people move around to find work and renting privately is a good solution.

Accommodation in the private rented sector is very varied and ranges from bed-sits to bungalows, flats or houses. The standard of accommodation and management can also vary. Torbay Council can give you guidance on the legal standards for private rented housing, advice on how to go about renting a property and what to do if you have problems. The council has a range of powers that can be used to ensure people and properties are safe and well managed and tenants are free from harassment and nuisance.

If you are thinking of renting from a private landlord, or looking for somewhere to live, then you may consider looking at the following:

- newspapers (the local free papers are useful)
- magazines
- shop windows
- supermarket notice-boards
- estate agents and letting agents
- internet sites

If you are not sure of the best way, it's sensible to go through a reputable letting agent. Before you sign anything, remember that the rent is not the only cost – travel costs, fuel bills, Council Tax, insurance and TV/phone bills should all be considered.

If you are on a low income, you may be eligible for Housing Benefit to help with the rent. You can find out whether you qualify by telephoning the council on 01803 207201, calling at any of council's "Connections" offices or visiting www.torbay.gov.uk/benefits.

It is very important that you take enough time to check the exterior and interior of a property as closely as possible.

The property checklist will help to prompt you to identify potential problems and hazards before you commit to the property.

What to do before you rent

Is it safe and fit for you to live in? Here are some things you should think about:

Energy performance certificate: a requirement from the 1/10/2008 for all private rental properties. You can use this to help you calculate how much it will cost you to heat your home.

Heating: what kind is there, and does it work? Can you control the heating or is it controlled by the landlord?

Damp: look for tell tale stains or mould on walls and ceilings.

Electricity: are there enough sockets and do they work?

Water: turn on a tap to check that it works. Do you know where the stop cock is to turn the water off? Who pays the water rate bill? Is the property on a water meter and can you read it?

Gas: does the property have a Gas Safety Certificate from a Gas Safe (formally CORGI) gas engineer?

Kitchen and bathroom: are they well equipped and big enough? Do they have adequate ventilation?

Furniture: check what comes with the property and what condition it is in. The landlord should give you a list. Make sure you agree with what's on the list and its condition

Security: check that all the doors and windows close properly and that there are enough locks and bolts to keep the place secure.

Safety: how would you get out in a fire? Are there working smoke alarms?

If you are thinking of moving into a house that has been converted into flats, bed-sits, or a hostel, there should be fire safety equipment such as smoke and heat detectors, fire doors and fire blankets.

Some types of properties such as large shared houses and hostels are called HMOs (houses in multiple occupation) and need to have a license from the local authority. If the landlord fails to get a licence he will be prosecuted and you can apply to a rent properties tribunal to reimburse rent paid for the time the property was unlicensed.

The council also works with landlords in Torbay to accredit properties. These are where the landlord and the council are satisfied that the property meets basic standards and the landlord is a fit and proper person. A list of accredited landlords and agents can be found on the council's web site.

Make a list of anything that does not work or is missing and talk to the landlord about it. A property check list is enclosed for you to use when viewing a property. You should also make sure that you:

- can afford the rent. You may be able to get Housing Benefit to help pay your rent, so find out first.
- get a written tenancy agreement, which says what your rent is, when you have to pay it and explains what you and your landlord are responsible for.

- get a receipt if you have paid a deposit to the landlord. Your landlord is required by law to protect your deposit under one of the government's protection schemes. They are:

- My Deposits
- The Deposit Protection Service
- The Dispute Service.

If the landlord does not follow the rules he can be ordered by the courts to compensate you with three times your original deposit plus the deposit itself. To avoid any disputes at the end of your tenancy, check closely the condition of the property with your landlord at the start and make a note of anything that's damaged. If a problem occurs during your tenancy you should report it straight away with your landlord.

When you sign your tenancy agreement you should find out which repairs your landlord is responsible for, which repairs you should do, and how to report a repair.

Getting repairs done

If you need a repair, write to your landlord or telephone if it is an emergency. If your landlord will not do the work, contact Torbay Council's Housing Standards who may be able to advise or take legal action to get the work done. In really extreme cases, we may close the property down.

As a tenant, you too have responsibilities, which are not to damage anything and to pay your rent. If you fail to do this the landlord is likely to either withhold your deposit, take you to court or not provide you with a reference which you might need when you try to find a new home.

If you want to end your tenancy you usually have to give 28 days notice in writing to your landlord (make sure to keep a copy of the letter) otherwise your landlord might ask you to pay rent for a period after you have left.

Ending your tenancy

If you want to end your tenancy you usually have to give 28 days notice in writing to your landlord, otherwise your landlord might ask you to pay rent for a period after you have left.

You should check your Tenancy Agreement to see what notice you have to give and make sure you keep a copy of the letter giving notice that you send to your landlord. Remember, notice must always be in writing.

If you do not give the correct notice your landlord might ask you to pay rent for a period after you have left. If you have a fixed term agreement, such as an Assured Shorthold Tenancy, you may have to pay rent until the end of your agreement, unless it contains a clause allowing you to leave early. For example, if you leave after three months of a six month tenancy

you may have to pay rent for the remaining three months of your landlord has been unable to re-let the property during the period of your tenancy.

If your landlord tells you that he or she wants to leave, the length and type of notice that your landlord will have to give you depends on which type of tenancy you have.

Unless you share accommodation with your landlord, you will usually be entitled to get written notice before having to leave. It is a criminal offence for your landlord to evict you without first following the correct legal procedure which would include obtaining a Court Order for Possession if you do not leave.

Usually the landlord has to give at least two months notice in writing and cannot ask you to leave the property before six months of your tenancy have expired unless you have breached the terms of your tenancy, in which case a different type of notice has to be given. Remember, if your tenancy is brought to an end because of your breach of the agreement then this may affect your ability to get other accommodation.

If you are ever in any doubt you should seek the advice and help of Torbay Council's Housing Team, Citizens Advice Bureau or a specialist Housing Lawyer. Legal Aid may be available.

Support to help you keep your accommodation

If you think that you might find it difficult to manage your tenancy you can access Supporting People services. You will get a support worker who will meet with you to work with you to support you with budgeting, completing benefit forms, knowing your welfare rights, keeping your accommodation and avoiding eviction.

To access Supporting People telephone the Referral Hub on 01803 208723

Property Checklist

Have a look at each of the items in the boxes below and if you think there may be a problem - write the details next to the item. You should talk to the landlord about these before agreeing to rent the property and make a note of what is agreed.

The outside of the property	Checklist notes
Roof	
Essential Services (Gas/Electric/Water)	
Windows	
Front & rear doors (if there is one) & frames and door locks	
Dustbin/waste collection	

The inside of the property

Checklist notes

Safety (Gas & Electrical Certificates)

Ask to see copies of the gas certificate. A gas boiler should be serviced annually and service records including a gas certificate should be made available

Ask to see copies of the electrical safety certificate, typically labelled NICEIC

Gas fires working

Checklist notes

Turn them on fully to make sure they are working.

Evidence of damp and inadequate ventilation

Checklist notes

Check for staining on walls, mould growth, peeling wallpaper etc. If furniture is placed against a wall, do not be afraid to move it.

Flooring and Carpets

Checklist notes

Check for uneven or loose floorboards Note the condition of carpets. Make sure faults are recorded on the inventory prior to moving in.

Electrical Sockets & Light Fittings

Checklist notes

The electrical wiring, switches, sockets and all supplied electrical equipment must be safe and in good working order.

Heating

Checklist notes

Make sure each room/unit of accommodation has a space heating i.e. radiators /fixed gas or electric heaters

Fire prevention

Checklist notes

If the property has smoke alarms or emergency lighting fitted, check that they are working. Most alarms have test buttons.

Windows**Checklist notes**

Are all windows in good working order and can be opened and closed easily. No broken glass and free of drafts?

Furniture**Checklist notes**

Soft furnishings provided by the landlord must be fire retardant. Check for a label, which is located on the frame of the furniture or under cushions. The label should show the British Standard Institution kite mark.

Property Checklist - Room by Room

Hall, stairs and landings**Checklist notes**

Are the stairs in good repair?

Are the handrails/banisters secure?

Smoke alarms fitted?

Is there enough lighting in these areas of the property?

Bathroom/WC**Checklist notes**

Run the hot and cold water taps to make sure the supply is adequate and the water runs away properly.

Are all the basic amenities i.e. toilet/wash hand basin, bath/shower, fitted securely and in good working order?

Kitchen equipment**Checklist notes**

Are the kitchen fixtures and fittings in good condition e.g. cooker, sink, drainer, work surfaces, fridge/freezer, cupboards?

This document can be made available in other languages and formats. for more information please telephone 01803 207256.