

51st Edition February 2023

LLAS/ATLAS Conference & Training Day

Bringing you up to date with what the future holds for PRS

Thursday 23rd March 2023

From: 10am to 2pm

VIRTUAL - ONLINE

Book at www.londonlandlords.org.uk

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Welcome to the latest edition of the PReSs

Will they, will not they. What will it contain?

I refer to the ever-elusive Renters Reform Bill, claimed to be the biggest shake-up to rental market in 30 years, with 'a new deal for private renters.'

It was first mooted in the 2019 Conservative manifesto; then in the Queens Speech 'My Government will introduce legislation to improve the regulation of social housing to strengthen the rights of tenants and ensure better quality, safer homes'.

This was re-enforced by The White Paper, A Fairer Private Rented Sector, published in June 2022, which sets out what the Government calls its long-term vision for the PRS. But since then, the whole subject has gone quiet from the Government. However recently, an All-Party Parliamentary Group (APPG), an informal cross-party group tasked with questioning government departments, examined the White Paper in detail. Many organisations submitted evidence, as did iHowz Landlord Association, and the APPG also cross examined all the ministers, including the Secretary of State.

The report has just come out, and in its report the committee warns that: "It is not clear whether the Government fully appreciates the extent to which an unreformed courts system could undermine its tenancy reforms."

The committee report concludes that all forms of anti-social behaviour by tenants should be a mandatory ground for possession even if a criminal conviction has not been made. Suitable guidance for the courts should be developed to ensure such cases are dealt with swiftly and with certainty about the outcome.

It also says tenancies should be exempt from plans to make every tenancy open ended. It warns that the Government's current plans "could make letting to students considerably less attractive to private landlords, as the student market mirrors the academic year and benefits greatly from 12-month fixed tenancies."

And it says that "the most serious challenge currently facing many private renters is neither security of tenure nor housing conditions, but the high cost of renting caused by the housing crisis."

But not everything is to landlords' likings. Whilst many landlords pushed to keep the Section 21 notice, the report states '**On the repeal of section 21, we believe that most private landlords are responsible and have no desire or financial incentive to evict tenants without good reason, and that for these landlords section 21 feels like an indispensable means of evicting bad tenants, but we also believe that the blight of unfair eviction and insecurity of tenure experienced by too many tenants can only be remedied by its repeal.**'

The report expresses concerns that the White Paper may have a negative impact on the student private rental sector market and highlights what it sees as the threat to the sector of the rise in holiday-lets. It also warns that the government's proposed '*sales and occupations*' grounds for eviction could be "*too easily exploited by bad landlords and become a backdoor to no-fault evictions*".

The report welcomes the government's plans to introduce a legally binding decent homes standard but points to a series of obstacles threatening the ability of local councils to enforce the standard, including precarious local government finances, shortage of qualified enforcement staff, and a lack of reliable data.

We await the actual Bill to see whether the Government has heeded any of the warnings made by this report, and others.

As ever, landlords must keep up to date. An ideal way is to attend the **LLAS Conference & Training Day on Thursday March 23rd**, that once again I will have the honour of chairing. See you there. [Book Here](#)

Hope you enjoy this edition



Peter Littlewood, iHowz Director
For more info on iHowz Landlord Association, visit <http://ihowz.co.uk/>



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Azad Ayub started as a property ownership & management company in 1980 and it was incorporated in 1995, providing continuity to our clients both landlords and tenants for over 40 years.



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Investor in People



Specialist landlord & tenant lawyer -Tessa Shepperson Answers landlords' FAQ: Renting accommodation in your own home?

With the increased cost of living many people are considering making a bit of extra cash by renting out part of their home. There is, however, often quite a bit of confusion over the status of the rented property and what you are letting yourself in for. For example:

- Are the occupier's lodgers or tenants?
- What are the rules that apply?
- Will you be eligible for the tax discount?
- Will you have to go to court if you want them to leave and they will not go?

The answers to this question will depend on the type of accommodation you are providing:

- If you are renting out a room in your own home, particularly if you share living accommodation, then the occupiers will be lodgers who are not normally tenants.
- If you are renting out self-contained accommodation in the building where you live this will be a tenancy. However, assuming the building is not a purpose-built block of flats, this tenancy will not be an assured shorthold tenancy but a 'common law' unregulated tenancy.

Let us take a quick look at some of the rules:

Lodgers

This is where you rent out a room in your own home. It is best, if you do this, to share at least some living accommodation with them as this will allow you to evict them (should this prove necessary) without having to get a court order.

The shared accommodation must be 'proper' accommodation such as kitchen, bathroom and living room. Stairs, hallways, corridors and cupboards don't count.

Many of the regulations that apply to tenancies will not apply. For example, you are not bound by the disrepair and fitness legislation, and you will not have to protect any deposit taken in a scheme. However:

- You will be bound by the tenant fees rules (so, for example, any deposit must not be more than five weeks' worth of rent)
- You will (in England) need to carry out a 'right to rent' check on lodgers before taking them in
- You will need to get a gas safety certificate every year, and
- If you rent to three or more unrelated people, your property will probably be an HMO and you may need to get a license from the Council

You can also take advantage of the government's 'Rent a Room' scheme, which will allow you to earn up to £7500 tax free. Find out more at <https://www.gov.uk/rent-room-in-your-home/the-rent-a-room-scheme>.

Here are a few tips for you if you are considering taking in a lodger:

- **You need to be sure you have permission**, so if you have a mortgage, check with your mortgage company, if you are a tenant check with your landlord, if you are a leaseholder check your lease and speak to your freeholders. Note that most landlords will refuse as it will normally mean that they will have to get an HMO license which they will not want to do.
- You should also **inform your insurers** and make sure that taking in a lodger will not invalidate your insurance.
- It is not absolutely necessary to get lodgers to sign a **lodger agreement**, but it is a very good idea, and you will be glad that you did if problems arise.

Note that I have a free Lodger Landlord website you can read at <https://www.lodgerlandlord.co.uk/> which gives further details (including how to evict if necessary). You can also buy the necessary forms there.

Tenancies

If on the other hand, you rent out self-contained accommodation, this, as I say above, will be a tenancy. This sort of situation is where you rent out, for example, a 'garden flat' with its own front door, a 'granny annex' above the garage, or the top floor of your house.

Again, if you are a tenant rather than an owner occupier you will need to get permission from your landlord which in most cases will not be forthcoming. As for lodgers (but more so) you will need to check with your mortgage company and insurers. Be aware that leases for leasehold property will frequently prohibit subletting.

If none of these issues arise, it is best to rent either as a lodger arrangement (i.e., shared living accommodation in your home) or as a self-contained tenancy. Unclear situations can cause difficulties, particularly if you experience problems with the occupiers and want them to leave.

As far as the rules and regulations are concerned, resident landlord tenancies are pretty much the same as assured shorthold tenancies, save that deposits do not need to be registered in a scheme.

Although note that if your property is in Wales, resident landlords are no longer an exception to the general rule, so deposits for resident landlords in Wales will need to be protected (but not if you are renting to a lodger).

So, you will be subject to the statutory repairing obligations and the fitness for habitation rules, the gas safety and electricity regulations and the energy efficiency rules.

You are also strongly advised to give a tenancy agreement - but note that as this is not an assured shorthold tenancy, most tenancy agreements will be inappropriate. You should try to find a proper resident landlord tenancy agreement. Some law stationers stock them, and they are also available via my Landlord Law service.

Finally, if you want tenants to leave, the procedure is slightly different from the procedure for evicting assured shorthold tenants.

You need to serve an old style 'Notice to Quit' and then issue proceedings immediately. If you take rent after your notice expires you could (unlike section 21 and section 8 notices) invalidate your notice and must start again.

Holiday lets

This is another money-making solution for property owners and can be very lucrative. However, be aware that you will still be responsible for complying with all the rules and regulations discussed above – and can be prosecuted and fined if you do not. You are not magically exempt from these just because you are using a website such as the Airbnb site. Be aware also that:

- It is very common for leases to prohibit short-term lettings, particularly if you are subletting the whole property – so make sure you check this.
- There are often planning restrictions on short lets - for example in London they are limited to 90 days in the year, so speak to the planning department at your local Council to see what the rules are in your area.

And finally,

If you want to find out more:

- For lodgers take a look at my free Lodger Landlord website at <https://www.lodgerlandlord.co.uk/>
- For resident landlord tenancies, see my Landlord Law service: <https://landlordlaw.co.uk/>

Tessa Shepperson.

Tessa is a specialist proprietor and tenant lawyer and runs the Landlord Law online information service at www.landlordlaw.co.uk. You can sign up to her free weekly bulletin (and get a free eBook) at www.landlordlaw.co.uk/bulletin

TWO WAYS TO SAVE TAX

1 Run a Highly Tax Efficient Professional Property Business

If it's right for you, then by taking professional advice to restructure your property business, you could enjoy:

- Full relief for finance & mortgage costs (Section 24)
- Reduced Capital Gains Tax (CGT) on Portfolio Reinvestment
- Inheritance Tax potentially mitigated within two years of trading
- Maximum Tax Rate of 20% payable on your property income until April 2023
- Maximum Tax Rate of 25% (Corporation Tax Rate) payable from April 2023

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2 Change the Recipient of Income from Rental Property

You should consider this option if you:

- Are looking to change the recipient of income from your rental properties for tax purposes.
- Want to make changes to the default 50/50 split for property owned jointly with your spouse.

Our conveyancing practice can provide a complete Form 17 service. Charges as low as £300 per property including preparing the legal documentation and creating a deed of trust, plus filing the Form 17 paperwork.

Six Years of Hurt – Where has Section 24 left the Landlord Market?

2017 was an important year for landlords in that it marked the beginning of Section 24 (S24). With a restriction on mortgage tax relief, many predicted that landlords would experience huge financial difficulties and the rental market would suffer as a result.

After almost 6 years of implementation, where has S24 left the landlord market?

Even to this day we know landlords are still feeling the pain. More than 29,000 landlords signed a recent petition calling on the government to reverse S24, but responding on the 17th of January 2023, the government confirmed they would continue to set mortgage interest relief against rental income only at the basic rate of tax.

Whilst it would be great if we could see the true impact of the changes on the market without external factors getting in the way, of course it is never that simple.

On the face of it, it does appear that the immediate impact of Section 24 was to push many landlords out of the sector given the hard facts. In 2017 there were 2.88 million landlords, and by 2019 there were 2.66 million [i]. Not likely a coincidence.

Landlords have of course faced many challenges since 2017 including: -

- **Covid-19 and pressure not to evict non-paying tenants**
- **The Rise of Build to Rent**
- **Taxation changes**
- **Fear of a property bubble**
- **Proposed EPC policy**
- **Proposed abolishment of Section 21**
- **More recently rising interest rates**

We cannot say that S24 is the sole factor for landlords leaving the market but let us look at what experts did predict would happen as a result of restricting tax relief, and where we are today.

Prediction 1: Higher rents and decreased profits

Section 24 was always going to hurt. The big unknown was how landlords would deal with the sudden squeeze on profits. Would they increase rents or absorb them to remain.

Average rents increased significantly between 2017 and the end of 2021, by which time Section 24 was fully implemented. But average rents have been growing for years and they continue to do so. In fact, you only have to glance at a newspaper to know that average rent is not only growing in every region of the UK, but it is at a record high reaching £1,171 in Oct 2022. That is up 51% since 2017 when the average rent was £773.74 [ii]

But again, rising rents can also be contributed to: -

- Reduction in supply of available rental homes
- High demand for rental properties
- Stamp Duty & Capital Gains Tax changes
- Legal requirements for safety standards
- Upfront letting agent fees ban
- Inflation and rising wages

Whilst we cannot say beyond doubt that Section 24 has pushed up rents, there is a clear correlation between tougher financial conditions for landlords resulting in higher rents for tenants.

Prediction 2: More buy-to-let companies

Tax experts predicted a rise in limited company ownership because landlords could reduce the impact of S24 by transferring ownership of their properties to a new limited company, subsequently paying corporation tax instead of income tax whilst benefiting from other tax incentives too.

Companies House data would suggest this prediction did indeed come true with newer BTL companies being formed each year. 2021 saw 47,370 new BTL incorporations – almost double the 24,190 companies set up in 2017. [iii]

Year	2019	2020	2021
New BTL Companies	32,109	41,700	47,370

Analysis from Hamptons also shows that between the beginning of 2016 and the end of 2020, more companies were set up to hold buy-to-let properties than in the previous 50 years combined and yet despite this, there is still only 6% of landlords owning properties in limited companies or a mixture of both. [iv]

Clearly there was a surge in company ownership, but what proportion this represents landlords incorporating their existing portfolios vs new landlords setting up a new company to buy property (regardless of whether that's the 'right' thing to do in their circumstances) needs further research.

Prediction 3: Landlords selling up

With Section 24 hitting many landlords hard, it was predicted that some would decide to exit the market. This we now know to be true, with 220,000+ landlords leaving in the first two years of the legislation taking effect. Apart from S24, the government also introduced lots of new regulation, making the 'accidental landlord' think twice about staying in the game.

The latest English Private Landlord Survey (2021) also showed that twice as many landlords (representing 29% of tenancies) were looking to sell their properties rather than trying to increase their portfolio.

Private Landlord Survey 2021 reporting that whilst 45% of landlords were owed rent arrears in March 2020, eight months later (and with the Covid pandemic hitting the sector hard) this number had jumped to 75%. The average arrears more than tripled from £1,117 to £3,531. The final nail in the coffin for some landlords.

But where some see adversity, others see opportunity.

The UK's largest BTL landlord, Grainger Plc openly plan to increase their market share significantly at the expense of landlords leaving the market. They also expect the private rental sector to jump from 4.7 million households to 7.2 million in 2025. [v] This may tell you all you need to know about where the BTL market is heading.

To compete and prosper, smaller portfolio landlords and family BTL businesses do need support. From LLAS membership to working with specialist consultants where appropriate.

At Less Tax 4 Landlords we help make running a rental property business commercially viable for the average portfolio landlord. And if you are still unsure if you are in the best possible position, our free initial assessment will let you know if we can help.

Visit lt4l.co.uk/sixyears

Julie-Anne Hughes – Marketing Communication Manager

[i] <https://www.hamptons.co.uk/research/>

[ii] <https://www.propertyinvestortoday.co.uk/breaking-news/2018/2/average-uk-rents-increased-more-slowly-in-2017>

[iii] <https://www.hamptons.co.uk/research/articles/record-47000-new-buy-to-let-companies-set-up-in-2021#/>

[iv] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1078643/EPLS_Headline_Report_2021.pdf

[v] <https://corporatewatch.org/grainger-the-corporate-landlord-cashing-in-on-the-housing-crisis/>

LANDLORD LICENSING & DEFENCE



CONTEST a Rent Repayment Order (RRO) from the council or a tenant.

Received an application for a Rent Repayment Order (RRO) or a notice from the First Tier Tribunal (Property Chamber) that a claim has been made against you?

Do NOT ignore. Do NOT talk to the tenant or council.

You have limited time and you need immediate advice. Most tenants use ruthless no-win-no-fee solicitors.

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PROTECT yourself from enforcement with a Property COMPLIANCE Audit.

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- Failure to licence a property or having the wrong licence.
- Breaches of your property licence or HMO conditions.
- Failure to comply with an Improvement Notice, Prohibition Order or Management Order.

The council gets to keep all the money so their motivation to fine you is immense.

Stay silent with the council and get immediate professional defence.

£30,000 FINE

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FIGHT a Tenancy Deposit Claim

Received a letter or notice of deposit protection claim from your tenant or a solicitor?

Most claims come from aggressive no-win-no-fee solicitors.

It probably demands a lot of money and threatens court action.

Whatever you do, do not respond.

Seek immediate professional help to avoid court and minimise extortionate demands for compensation.

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Compliant HMO design advice

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Unwitting, Accidental or Unlicensed HMO?

Any property with 3 persons where one is not related to the others IS an HMO even if you are unaware.

If it should be licensed but isn't you have already committed a criminal offence and the fines can be £30k+

Do NOT talk to the council. Get professional defence to mediate for you and apply for the missing licence in the safest way possible.

TALK TO US 0208 088 3494

DEFEND against Enforcement from Council!

Landlords are entitled by law to have professional defence.

- Improvement Notice
- Failure to Licence HMO or Selective
- Prohibition Order, Not Fit and Proper Declaration
- HMO Management Regulations Penalty
- PACE interview under caution

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CONTEST a Fitness for Human Habitation claim

The latest get-rich scheme of ruthless no-win-no-fee litigation solicitors.

They will rack up vast legal costs and attempt to make you pay them through the courts. Plus, they'll take a hefty percent of the damages they win for the tenant.

They do not care about getting repairs done or tenant safety

Do NOT answer them, you're likely to self-incriminate.

TALK TO US NOW 0208 088 3494

Everything you ever needed to know about Rent Repayment Orders

Rent Repayment Orders (RRO) were introduced by the Government in The Housing Act 2004 as a PUNISHMENT to Landlords for certain offences.

Contrary to popular belief, the RROs are not for the benefit of tenants, nor are they 'compensation'. This was confirmed by the Upper Tribunal (Lords Chamber) which makes case law.

The RRO claim nonetheless must be made by the tenant or, in the case of a tenant on housing benefits or housing allowance a council / local authority can also make a RRO claim to recover all the rent they have paid out.

The money claimed by tenants is seen by the Tribunal to be a 'windfall'.

From 2016, it was no longer required that the Landlord had been convicted, simply that they could be proved to have committed the offence to the legal standard of 'beyond reasonable doubt'.

What can a tenant claim with a Rent Repayment Order?

A tenant, or each individual tenant in a shared house or HMO (House in Multiple Occupation) can claim back up to 12 months' rent. The same is true for a council making a RRO.

The tenant can select any 12-month period within the three years leading up to the claim. Usually, tenants would choose the 12-month period in which they paid the most rent.

What are the offences against which a Rent Repayment Order can be made?

These are set out in the Housing & Planning Act 2016 section s40(3) and are:

Offence	Relevant legislation
Using or threatening violence for securing entry into premises	s6 Criminal Law Act 1977
Illegal eviction or harassment	s1 Protection from Eviction Act 1977
Failure to comply with Improvement Notice	s30 Housing Act 2004
Failure to comply with Prohibition Order	s32 Housing Act 2004
Breach of Banning Order	s21 Housing and Planning Act 2016
Having control of, or managing, an unlicensed property	s95 Housing Act 2004
Having control of, or managing, an unlicensed HMO	s72 Housing Act 2004

Landlords are often caught out when any building or flat is sold or bought and which is required by the legislation to have a selective, additional or a mandatory HMO license, because even if the property was properly licensed at the time of the sale, the license cannot be transferred.

This means that if the property changes owner and the new owner doesn't immediately apply for a new license, hey presto, they are automatically guilty of 'failure to license' under S72 or S95 of the Housing Act 2004 and in addition to being liable to be fined or prosecuted by the councils, any occupants become, automatically, entitled to claim a RRO.

A case of 'using or threatening violence for securing entry' is remarkably easy to make, and, if the Landlord does not have the necessary evidence of giving appropriate notice, then it is a case of 'guilty until proven innocent' and the tenant will romp home to a juicy RRO 'windfall' award.

Illegal eviction is a trap that even some of the biggest property gurus fall into regularly. For example, if a tenant runs away not paying rent, most Landlords will enter the property and re-let it. That's a Criminal Act.

Unless the tenant 'legally surrenders' the property then regardless of the fact they are not paying their rent, believe it or not they are still the legal tenant. And even if they have massive arrears, they are entitled to a RRO for illegal eviction if the Landlord takes back the property.

There is only one other way that a tenancy can be ended and that is by an order of the court. So that is it: Surrender by tenant or Court Order. Anything else is an illegal eviction. Even if a tenant dies, the tenancy continues, and the deceased's estate could claim a RRO.

Any Landlord that locks out tenants, changes locks – or the myriad of other 'get rid' tricks – are guilty of illegal eviction and can expect a massive RRO. Probably the full 12 months' rent.

How does a Landlord find out they have a Rent Repayment Order claim against them? Usually, the first thing a Landlord knows is receiving a Notice of RRO claim from the FTT.

Alternatively, they will receive a letter from the 'no win – no fee' company (but not always Solicitors) claiming the full 12 months' rent then offering a discount for immediate settlement.

Landlords should be aware that this 'discount amount' is usually considerably more than the Tribunal would award. The 'no win – no fee' people are on a percentage, so they are looking to maximise their own fees and profiles.

How is the Rent Repayment Order decided?

The vast majority of RROs never actually get as far as a hearing at the FTT, instead they are fought-out in negotiations between, on the one side:

- A Landlord representative (such as [Landlord Licensing & Defence](#)) and on the other side.
- The tenant(s) or their representative(s).

It is estimated that 80% of RROs are settled 'out of court' in this way.

However, if the other two sides cannot agree, the matter must be considered by the Tribunal in a hearing - with a considerable amount of time and expense going into the production of legal bundles and often very expensive barristers to present the case at Tribunal.

Legal costs

Usually, the Tribunal will only make a costs award against the Landlord if the tenant's legal costs are high when they judge that the Landlord has acted unreasonably or has frustrated the legal process.

The Tribunal can award the Landlord's costs against the tenant for the same reason though this is extremely rare.

A word of warning to Landlords, however, when 'no win – no fee' companies or tenant's Solicitors are involved, they are highly motivated to create a case against the Landlord claiming unreasonableness and / or frustration of the legal process in order to increase their fees at the Landlord's expense.

We have seen on occasion 'Rule 13' legal costs claimed (and awarded) of nearly £22,000 on top of a £6,000 RRO award.

Why Landlords should avoid First Tier Tribunal hearings at all costs

Once the FTT has made its decision it will publish its findings. These are a matter of public record and are now indexed very quickly by Google.

The upshot of this is that the minute anyone types in the Landlord's name then at / or near the top of the results will be the RRO determination stating that you have been found guilty of Criminal Acts under the Housing Act, Housing & Planning Act, Protection from Eviction Act or Criminal Law Act. Not exactly what you want any tenant, Council, mortgage or insurance company to see!

In other words, you are ruined as a landlord and will find it very difficult to get a property license, rental or HMO mortgage or insurance.

Therefore, it is essential, the very second you realise that a RRO claim is being made against you that you contact Landlord Licensing & Defence – to keep the matter out of the public domain. You really need someone that knows what they are doing to achieve this.

Professional help for Landlords

Landlords Defence has assisted many hundreds of Landlords in defending RRO applications. 99% of cases handled by Landlords Defence are settled by negotiation 'out of court' and gagging orders put in place to keep the matter secret and prevent any subsequent legal actions.

If you have received any sort of notice or advice of a RRO application, do not waste valuable hours and days.

Contact for help immediately: [Landlord Licensing & Defence](#)

By Phil Turtle, Compliance Director at [Landlord Licensing & Defence](#)

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Photo: Nish Dattani, Director of Green Assessors, Award Sponsor (left) with Romesh Muthiah, Co-Director of Central Housing Group Ltd (right).

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Damp & Mould

What causes damp and mould?

Damp is the most common cause of mould indoors. It can grow in wet or moist areas caused by leaks or when a home does not get enough ventilation. Moist areas can include:

- walls or wallpaper
- ceilings
- bathroom tiles
- carpets
- wood

How does mould affect health?

- Breathing in or touching mould can cause allergic reactions in some people such as:
- sneezing
- runny noses
- red eyes and skin rashes
- breathing problems like asthma and chest infections and can make existing breathing problems worse.
- persistent exposure to airborne mould can also cause sensitization in non-sensitive persons.

Who is most affected?

Exposure to damp and mould can cause health problems in some people. This can include:

- babies and children
- those with skin problems those with skin problems like rashes or eczema
- those with breathing problems like asthma or allergies
- those with weakened immune systems that might be having chemotherapy

What does damp and mould look like?



Types of damp – condensation, rising and penetrating

Condensation

Condensation is the most common type of damp in rented properties. It appears when there is an imbalance between heating, insulation, ventilation and humidity.

When moisture in the air contacts cold surfaces such as windows or cold walls, the water condenses onto the cold surface and black mould can grow around windows, behind furniture and in corners of rooms.

If the mould is not wiped regularly, mould will start to grow in small spots and could spread.

Landlord's responsibility

Landlords have a responsibility to take action in relation to damp and mould growth in some circumstances. For example, if the tenant's heating is not working it is the landlord's responsibility to fix it.

Tenants' responsibility

Tenants have a responsibility to manage moisture to reduce condensation by ventilating and heating their home. Everyday activities such as showering, cooking and drying clothes can cause condensation.

How to reduce condensation:

- Cover pans when cooking
- Use extractor fans in kitchens and bathrooms
- Close doors when you are cooking or showering
- Leave a gap between furniture and walls
- Dry clothes in well ventilated area
- Open windows at least once a day for short periods at a time to let warm moisture out, but do not leave them open all day as this can make your home colder which could make condensation worse
- Try to heat your home

Penetrating damp

Penetrating damp is caused by moisture entering external walls for example through a crack, burst pipe or rainwater. Penetrating damp can also get into homes from plumbing problems in the building.

The landlord is usually responsible for carrying out works to fix penetrating damp.

Rising damp

Rising damp is when moisture rises through a wall or floor. Usually because of a defect of the structure. Rising damp will require further investigation by specialist contractors.

Your landlord is responsible for carrying out works to fix rising damp.

When should landlords take action?

Landlord should fix the damp and mould problem if it is:

- caused by a repair that is needed
- affecting your health
- Report the damp and mould problem to your landlord. Your landlord is usually required to investigate and carry out necessary works to fix the damp and mould within a reasonable timeframe.

Who do I contact if my landlord does not take action?

If your landlord does not take action after you have reported the damp and mould, contact the Private Sector Housing Service where the rented property is located

Can Tenants act against landlords?

Yes, tenants can take civil action against their landlord if they believe their home is not fit for human habitation through Homes (Fitness for Human Habitation) Act 2018. [Find out more in the Government's guide here.](#)

LLAS & ATLAS PRS Conference & Training Day

Bringing you up to date with What the future holds for the PRS

Thursday 23rd March 2023

From: 10am to 2pm

VIRTUAL -ONLINE

Presentations will be on different regulations that landlords, agents, property investors and local authorities staff operating within the PRS should be aware of. Our speakers will take delegates through all the legal developments over the past year, current and new.

Ticket prices; Accredited member: £30. Unaccredited member: £40
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Protecting clients' money if you are a property agent

You must join a 'client money protection scheme' if you are a letting or property management agent in the private rented sector in England and you hold clients' money. These schemes make sure landlords and tenants are compensated if you cannot repay their money, for example if you go into administration. This is different to [tenancy deposit protection](#).

You may be fined up to £30,000 if you do not join a client money protection scheme.

Government Approved schemes. You can join any of the following approved schemes:

- [Client Money Protect](#)
- [Money Shield](#)
- [Propertymark](#)
- [RICS](#)
- [Safeagent \(previously NALS\)](#)
- [UKALA Client Money Protection](#)

You must:

- hold your clients' money in an account with a bank or building society authorized by the Financial Conduct Authority
- get a certificate confirming membership of the scheme you join, and provide it to anyone who asks, free of charge

You will need to display the certificate:

- in any office where you deal with the public
- on your website

You may be fined up to £5,000 if you do not display a certificate of membership or provide it when asked.



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Green Homes Grant



Would you like to ensure that your property follows **Minimum Energy Efficiency Standards (MEES)**, improve the warmth and comfort of your property, and help your tenants save on their energy bills? The Green Homes Grant is here to assist.

Landlords with properties in Camden can receive up to **£5k of grant funding** to cover two thirds of the costs for the installation of efficiency measures, such as low carbon heating systems, insulation, and smart heating controls.

To be eligible your property must have an energy rating of D, E, F or G (the lowest ratings) and your tenants must have an annual income of no more than £30k per annum or up to £20,000 income after housing costs.

Click [here](#) for more information or check your eligibility and register your interest [here](#). You can also call our project partners, **Warmworks** free on **0808 196 8255**.

BUSINESS STRUCTURES FOR LANDLORDS

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TAKE A FREE INITIAL ASSESSMENT



Smoke and Carbon Monoxide Alarm Regulations

A reminder that changes to the **Smoke and Carbon Monoxide Alarm Regulations** came into force on 1 October 2022

On 1 October 2015, new regulations came into force in England regarding the fitting of smoke and carbon monoxide alarms. On 1 October 2022, the regulations are being updated.

Most people will be familiar with the government's [Fire Kills campaign](#) and the importance of having a working smoke alarm in every home. Statistics show you are at least four times more likely to die in a fire in the home if there is no working smoke alarm.

Carbon monoxide (CO) is a colourless, odourless, and tasteless gas, produced when fuel burns without enough air, and exposure to high levels of CO can be fatal. More information can be found on the [HSE website](#).

Get things wrong and the landlord could face a financial penalty, as well as endangering their tenants' safety. To help you understand the rules, we have published this free guide.

1. What alarms do landlords need to install?

Every private rented property needs to be fitted with smoke alarms and carbon monoxide alarms (if applicable). On 1 October 2022, the regulations are being extended to cover social housing.

Smoke Alarms

The requirement is to install at least one smoke alarm on every storey of the rental property on which there is a room used wholly or partly as living accommodation. The definition of room includes a bathroom or toilet.

The regulations do not say whether smoke alarms must be hard wired, or battery powered, although hard wired with battery back-up is best practice and should be considered when a property is rewired.

Smoke alarms should normally be fitted to the ceiling in the entrance hallway and on any landing. Fitting smoke alarms in the central circulation area helps to ensure they activate quickly if a fire starts in any of the adjoining rooms.

Never install smoke alarms in a kitchen as it will lead to frequent false alarms when cooking. The only type of alarm that should be installed in a kitchen is a heat alarm. Heat alarms are not covered by these regulations but may be required in multi-occupied properties under other legislation.

Carbon Monoxide Alarms

Since 2015, it has been a requirement to install a CO alarm in any room containing a solid fuel burning combustion appliance such as a coal fire or wood burning stove.

On 1 October 2022, the requirement for CO alarms is being extended to all rooms containing a fixed combustion appliance of any fuel type. This will include all gas appliances except for gas cookers.

Whilst not part of the legislation, the guidance states that '*In the Department's view, a non-functioning purely decorative fireplace would not constitute a fixed combustion appliance*'. You might want to add a clause to the tenancy agreement to make clear that such a fireplace must not be used.

When positioning CO alarms, government guidance is to follow manufacturer's instructions. They are usually fitted at head height either on a wall or shelf, approximately 1 to 3 meters away from the fixed combustion appliance.

2. How often should alarms be tested?

There is a requirement for the landlord (or someone acting on their behalf) to ensure that the smoke and CO alarms (if any) are in good working order on the first day of the tenancy.

When testing alarms, it is important to check the expiry date printed on the detector and press the test button to ensure the audible alarm sounds. CO alarms have a life expectancy of around seven years whereas smoke alarms can last for up to ten years.

Landlords need to think carefully about how they record this information for audit purposes. You might ask the tenant to sign an inventory or other document to confirm that the alarms were present and working correctly when the tenancy started.

Once a tenancy has started, in a single-family property it is usually the tenant's responsibility to test smoke and CO alarms. Weekly or monthly tests are recommended, and it is good practice to explain this at tenancy sign up.

The testing arrangements are different in properties licensed under a mandatory HMO, additional or selective licensing scheme. All property licences should have a condition that makes the licence holder responsible for keeping smoke and CO alarms in proper working order.

For this reason, in licensed properties it is essential to test smoke and CO alarms during interim inspections and keep records to show it was done. It is good practice to follow a similar approach with properties not subject to licensing.

3. What happens if a smoke or CO alarm is faulty?

If a tenant reports a smoke or CO alarm is faulty, or a fault is discovered during a property inspection, the landlord must repair or replace the defective alarm as soon as reasonably practicable. This new requirement comes into force on 1 October 2022.

4. How are the rules enforced?

Local housing authorities in England are responsible for enforcing these regulations.

If a landlord fails to comply with the requirements, the local authority can serve a remedial notice requiring the landlord to fit and/or test the alarms within 28 days.

If a landlord fails to comply with a remedial notice, the local authority can issue the landlord with a civil penalty notice of up to £5,000. The local authority must also carry out the work specified in the remedial notice to make sure that the tenants are safe.

If a landlord disputes the civil penalty notice they can write to the council and request a review within 28 days of the notice being served. If a landlord remains unhappy with the outcome, they can appeal to the First-tier Tribunal.

5. How can I find out more?

The government have produced a helpful guide to the regulations (DLUHC: Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022: guidance for landlords and tenants: July 2022) that you can [view here](#).

If the property is a house in multiple occupation, you may need to provide a higher standard of fire precautions appropriate to the size, layout, and occupancy of the property, under the Housing Act 2004. You may also need to carry out a fire risk assessment under the Regulatory Reform (Fire Safety) Order 2005. To find out more, you can read the LACORS national fire safety guidance, available [here](#).

If you want to refer back to the legislation, the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 can be [viewed here](#).

The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 can be [viewed here](#).

It is important to remember that compliance with these regulations does not necessarily mean that the property has been provided with an acceptable level of fire precautions.

If the property is a house in multiple occupation, you may need to provide a higher standard of fire precautions appropriate to the size, layout, and occupancy of the property, under the Housing Act 2004. You may also need to carry out a fire risk assessment under the Regulatory Reform (Fire Safety) Order 2005. To find out more, you can read the LACORS national fire safety guidance, available [here](#)

Source: [Smoke and Carbon Monoxide Alarm \(Amendment\) Regulations 2022: guidance for landlords and tenants - GOV.UK \(www.gov.uk\)](#)



Ealing Council

Ealing Council's new selective licensing scheme. **Is set to be the largest of its kind in west London & will come into force on Tuesday 3 January 2023.**

It has been introduced to improve property conditions and management standards in the private rented sector, leading to more sustainable tenancies for landlords and better conditions for renters and the local community.

Although the scheme was approved by the council's cabinet earlier this year, its size and scope meant that government approval was also required, from the Department for Levelling Up, Housing & Communities, which was received in September. The new scheme equates to more than 50% of the overall size of the borough and nearly half of all privately rented homes within it.

[A smaller selective licensing scheme came into force in three wards in the borough in April this year](#), together with a boroughwide additional HMO licensing scheme applicable to smaller HMOs. But this new selective scheme will apply to all privately let properties in a further twelve wards.

Landlords who own properties in the new scheme area should submit license applications between **3 January and 3 April 2023 to receive a generous 25% discount off the £750 license fee, in addition to further reductions for accredited landlords and properties with EPC ratings of C and above**. Further support will also be available with landlords being offered an invitation to attend free online training sessions on **Wednesday 7th December 2022** and **Wednesday 11 January 2023**.

Find out more about the private rented property licensing schemes at www.ealing.gov.uk/prslicensing.

If you own or live by a privately rented property, you can check to see if it falls within any of the designated areas at www.ealing.gov.uk/postcodechecker.

You can also check to see if a property has a license at www.ealing.gov.uk/publicregister.

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Email us at llas@camden.gov.uk

Hefty penalty for Camden letting agent

A landmark fine has been issued to a Camden letting agent after a London Trading Standards led investigation found the company had failed to comply with regulations in place to safeguard tenants and landlords.

The tribunal found, beyond all reasonable doubt, that Carter & Reeves Limited were in breach of the Client Money Protection (CMP) Regulations which require property agents belong to a CMP scheme. A penalty of £24,000 was upheld against the agent.

Tribunal Judge, Alexandra Marks CBE ruled, "On the basis of my findings, it is clear that during the relevant period there was no protection of client money in place as required by the legislation for the assurance of the public. This failure to protect client money could have resulted in financial harm to those entrusting their money to Carter and Reeves."

Regulation 3 of the CMP Regulations makes it a requirement for any property agent holding client money to belong to one of the six client money protection schemes.

Judge Marks noted that since Carter & Reeves Ltd.'s membership of an approved client money protection scheme relied on the membership of director, Mr Draper, once he had ceased to be a director of Carter & Reeves Ltd, the company no longer belonged to that (or any other) CMP scheme.

She concluded, "Agents are running a business and are expected to be aware of their legal obligations, and the true status of each of their directors."

From April 2019, letting agents have been required by law to belong to an approved Client Money Protection (CMP) scheme to ensure that tenant and/or landlord money is protected should the business become insolvent. Failure to comply with this requirement can carry a maximum penalty of up to £30,000.

Furthermore, letting agents have a duty to publish on their websites and in their offices their CMP certificate, evidence of membership of an approved redress scheme and specific material information that tenants are to be made aware of prior to entering a contract. Failure to do so can each carry a maximum penalty of up to £5,000.

London is home to thousands of letting agents handling client money every day, so any significant level of non-compliance with the law could leave significant sums of tenant and/or landlord's funds at risk.

Don Silcock, Chair of London Trading Standards Lettings Group, commented:

“It is reassuring to see the vast majority of penalties being upheld against London letting agents, as Tribunals continue to take a firm line for non-compliance, as reflected in the level of penalties imposed.”

Funding from the Department for Levelling Up, Housing and Communities (DLUHC) has enabled London Trading Standards, working in partnership with the National Trading Standards Estate and Letting Agency team, to regionally coordinate enforcement of letting agents and CMP regulations; successfully improving compliance levels across London and ultimately protecting millions of pounds of consumer’s money.

There are currently six government approved client money protection schemes operating in England. All agents that hold client money, even if just for one day, must belong to one of them. Links to all six scheme providers can be found on the [gov.uk website](#).

Our free guide containing more information about property licensing and HMO planning restrictions in the London Borough of Camden is available [here](#).

Source: [Hefty penalty for Camden letting agent who failed to comply with client money protection regulations | London Property Licensing](#)

BTL landlord ordered to pay over £25,000

A buy-to-let landlord in Cardiff has been ordered to pay more than £25,000 at Cardiff Magistrates’ Court for a catalogue of failings relating to his rental property in Ferry Road in Grangetown.

Sohail Baig, 65, from Cyncoed Road in Cardiff did not attend court on 27 October last year but was convicted in his absence for all 18 offences. Baig was sentenced at Cardiff Magistrates’ Court last Friday.

The case came to light when the council received complaints from tenants about the four-storey Victorian terraced property, which is made up of four maisonettes.

A council inspection took place, and a significant number of breaches were found including:

- A defective fire alarm system.
- A lack of handrails for stairs or insecure handrails.
- Unsafe guarding to landings.
- Defective floor coverings.
- Low level windows which presented a risk of falls.
- Damaged kitchen work surfaces.
- Unsafe kitchen layouts.
- An insecure toilet.
- Accumulations to the rear yard likely to shelter rodents.
- Unsafe electrical installations; and
- An insecure entrance door.

Baig was given eight days to fix or replace the boiler, which he failed to do. The council installed a new boiler, invoiced the cost to his home address, and started the legal action to prosecute him through the courts.

Cllr Lynda Thorne, cabinet member for housing at Cardiff Council, said: “The majority of private sector landlords provide a very good service to their tenants, but there are a minority that fall short of the legal standards.

“As a landlord, you have responsibilities to ensure that the properties that are rented out are safe for people to live in. This one clearly wasn’t, so we will continue to monitor the situation to ensure that the defects are repaired for the tenants living at this property.”

Baig was fined, £23,750 for all 18 offences, ordered to pay £450 in costs and a victim surcharge of £1,200.

Source: [BTL landlord ordered to pay over £25,000 - Property Industry Eye](#)

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LLAS / ATLAS 2023

Virtual Conference & Training Day

Bringing you up to date with what the future holds for the PRS
Thursday 23 March 2023
from 10am to 2pm

On the day, presentations will be on everything that is topical in the private rented sector (PRS) including:

- The Government's plans for the future direction of the private rented sector
- Updates on housing law reform, landlord and letting agent legislation, and compliance
- Plans for the new Ombudsman and Property Portal to regulate the PRS and help landlords comply with regulatory standards
- New measures developed to protect tenants for example ban on section-21 evictions
- Plans for extending the Decent Homes Standard to the PRS and local authorities' role in enforcement
- The impact of recession on property investors and opportunities property investors should prepare themselves for.
- How understanding what you want to achieve financially is the best plan rather than falling for the latest get rich quick and understanding that property is a business and tenants are our clients - so success lies with understanding their needs
- Rent to Rent and the Supreme Court Case (Rakusen v Jepson et al). What Landlords Need to Know and Why
- Upcoming energy efficiency requirements for rental properties, the legal perspectives, as well as practical advice on getting properties fully compliant
- HMO Management, law & Practice, Rent Repayment Orders
- Succeeding as a Landlord in 2023- How to save on Property Tax
- Property Licensing
- 10 CPD points for your participation

How to get your tickets

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Event Speakers



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Partner, JMW Solicitors & Specialist in Landlord & Tenant law



Julian Gun Cuninghame

Barrister-Gough Square Chambers



David d'Orton-Gibson

CEO of Training for Professionals (TFP)



Peter Littlewood

Founder & Director of iHowz & LLAS/ATLAS Trainer



Grace Duffy

Head Of Policy on the PRS at Ministry of Housing, Communities and Local Government (MHCLG)



Des Taylor

Casework Director, and co-founder of Landlord Licensing & Defence



Vicki Wusche

Property Investors & Wealth Strategist



Chris Bailey

Chartered Accountant Co-Entrepreneurial Founder & Group Director of Less Tax 4 Landlords (LT4L)

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What applies to me?

If you rent and manage your own property with no third party involvement not all aspects of this leaflet will apply to you. However, if you use a third party like an agent or have your own company which is set up to deal with your rentals and this is different to the ownership of the property, they will have to comply with the agency requirements.

	Landlord managing own property	Letting and / or managing agent
Redress scheme membership	No, but you may choose to join a scheme voluntarily. You must still act in a lawful manner and treat your tenants fairly.	Yes. You must maintain continuous membership, comply with the scheme requirements and check you have the correct membership type.
Client Money Protection (CMP) scheme membership & transparency requirements	No. However, you should keep good accountancy records and provide receipts for any cash payments made to you.	Yes, if you handle client money you must belong to a scheme and comply with their requirements such as displaying the certificate & notifying your tenants and landlords of any changes.
Publication of fees (including CMP and redress information)	No. However, your tenancy agreements and property adverts must be clear and transparent with the lawful costs a tenant must pay.	Yes, you must clearly display the lawful fees that you charge landlords and tenants, as well as display your redress and CMP membership details. This applies in branch and online, including third party websites.
Deposit protection requirements and provision of information.	Yes, and you must ensure that the deposit is protected and prescribed information given to the tenant within 30 days of receiving it.	Yes, and you must ensure that the deposit is protected and prescribed information given to the tenant within 30 days of receiving it.
Tenant Fees Act 2019 – prohibited payments	Yes, if a payment is not expressly permitted by the Act, then it will be deemed prohibited.	Yes, if a payment is not expressly permitted by the Act, then it will be deemed prohibited.



City of
Westminster

Energy Efficiency in Private Rented Property in Westminster - MEES Plus Grant Pilot Scheme (2023)

Westminster City Council is writing to all landlords whose property may be eligible for financial support through the **MEES Plus Grant Pilot Scheme (2023)** to improve the energy efficiency of their properties.

In 2019 Westminster City Council declared a Climate Emergency and committed to achieving a Net Zero City by 2040. To meet this target in housing, the Pilot Scheme will offer eligible landlords financial support of up to **£10,000** to improve the energy efficiency of their property, measured by the Energy Performance Certificate (EPC). Landlords are expected to match fund grant money (e.g. a grant of £5,000 would require a matched contribution from the landlord).

Current regulations require that private rented property must meet an EPC of E or above. We believe that you are the landlord of: (*insert address*), which is operated as a rented dwelling and is in compliance with the MEES Regulations with EPC rating of xx and may be eligible for grant funding.

Westminster encourages landlords to take advantage of this opportunity to reduce carbon emissions and improve energy efficiency in their properties as early as possible. The UK Government¹ is consulting on a proposal to increase the minimum energy efficiency standard (MEES) from an EPC rating of 'E' to a rating of 'C' for new tenancies from 2025 and to all private rented homes from 2028. Action now will support landlords to meet potential future requirements.

For further information on eligibility and how to apply, please refer to:

www.westminster.gov.uk/housing/private-sector-housing/landlords/landlord-energy-grant-scheme

For any questions please contact: res@westminster.gov.uk

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