

# Letting your home

## What is the law?

When you let your property to a tenant, the tenancy is automatically an assured shorthold tenancy (unless you agree otherwise in writing).

- This means that you have a guaranteed right to get your home back after 6 months - if you need to.
- You can charge a market rent.
- You can get your home back if your tenant owes you at least 2 months' or 8 weeks' rent.
- Tenants causing a nuisance to local people can be evicted.

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## How long does an assured shorthold tenancy have to last?

That is for you to agree with your tenant. You can agree that it should last for a set period (known as a "fixed term") or you can leave it open-ended.

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## How would I get my property back?

- You can end the tenancy at any time after 6 months, provided any fixed term you agreed has ended. You only need to give your tenant 2 months' written notice that you want your property back.
- You can end the tenancy at any time on certain "grounds" (reasons) for possession set out in legislation. These include rent arrears, anti-social behaviour, and damage by the tenant.

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## What if the tenant won't leave?

Most tenants do. You cannot evict a tenant yourself but you can apply to the county court to get your property back. In certain cases you can use an **accelerated possession procedure** which can avoid the need for a court hearing.

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## Why not just leave my property empty?

You can lose over £5000 a year by keeping a home empty -in rent loss, council tax, insurance, dilapidation and security measures. There is also the risk of vandalism, squatting and complaints from neighbours.

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### **As a landlord, what would I be responsible for?**

- Repairs to the structure and exterior of the property, heating and hot water installations, basins, sinks, baths and other sanitary installations.
- The safety of gas and electrical appliances.
- The fire safety of furniture and furnishings that you provide.

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### **What would my tenant be responsible for?**

- Paying the rent as agreed.
- In most cases, paying the council tax and water and sewerage charges; but if you pay them, you can include the cost in the rent.
- Bills for gas, electricity and the telephone etc. if you agree this with the tenant.
- Taking proper care of the property.

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### **What if the property needs repairs before it can be let?**

Housing associations can help by providing a grant and managing the property for you. Or you may qualify for a local authority renovation grant. Your local authority can give details.

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### **What about my tax position?**

In general terms, you will be liable to pay tax on your gross income from rents and will be able to deduct from them your day to day running expenses. For further details, ask your nearest Tax Enquiry Office or Tax Office for a copy of the Inland Revenue leaflet IR87, "Letting and your home". More detailed tax information can be found in IR150, "Taxation of rent. A guide to property income". If you are planning to live abroad for more than a few months while letting your home, you may need to read IR140, "Non-resident landlords, their agents and" tenants.

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### **What about tenancies which started before 28 February 1997?**

- Most tenancies which began before 28 February 1997 will be either assured shorthold tenancies, or assured tenancies.
- If you agree a new tenancy with an existing assured shorthold tenant, it will automatically be a shorthold -you do not have to give your tenant notice that it will be a shorthold tenancy.
- If you agree a new tenancy with an existing assured tenant, it will automatically be assured - you do not have to give your tenant notice that it is not a shorthold tenancy but it may be helpful to make this clear in the tenancy agreement.
- An assured tenant has greater security of tenure.

- Tenancies which started before 15 January 1989 are subject to different legislation.

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### **It sounds complicated. Can anyone help me?**

Letting agents can find tenants, start the tenancy, collect rent or provide a full management service for peace of mind.

Some agents work to specified standards of service such as members of the National Approved Letting Scheme.

Membership of the scheme is open to agents who are members of the following professional bodies:

- Association of Residential Letting Agents
- Royal Institution of Chartered Surveyors
- National Association of Estate Agents,
- Registered Social Landlords (housing associations).

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### **Where can I get more information?**

A more detailed booklet "Assured and Assured Shorthold Tenancies - A Guide for Landlords" is available, free of charge.

Information on how and where you can obtain this booklet and other publications produced by the Office of the Deputy Prime Minister is available from the ODPM publications home page.

or from

The Welsh Assembly Government  
Crown Buildings  
Cathays Park  
Cardiff CF10 3NQ  
Telephone: 029 2082 3761  
Fax: 029 2082 5391

You can also get advice from a solicitor, Citizens Advice Bureau, local authority Housing Advice Centre or a Landlords' Association. Check whether your local authority has an Empty Property Officer who will be able to give you advice.

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