

## GUIDE TO TENANCIES

### The Need for Advice

The relationship between a Landlord and Tenant can be a long and sometimes difficult one. Yet if the right legal advice is taken at the start many difficulties can be avoided.

We can help in resolving disputes between the parties but prevention is better than a cure. This is why we believe it is best for Landlords and Tenants to understand their rights and duties during the term of the tenancy.

This guide describes the stages of the tenancy process and the advice you should receive from us, whether you are a Tenant or a Landlord.

### Our Service and Costs

At Fraser Dawbarns, we have over a 100 years experience helping clients negotiate and agree tenancy agreements. Our highly trained lawyers will keep you informed through a method of your choice; this could be by text message, post or email. With offices across the region, we are close by if you need to meet face to face to discuss an urgent issue or call in to sign and pick up documents to save postal delays. We provide a fixed cost for our service and will advise you of any other expenses which may be incurred.

### What We Will Need from You

We will require a variety of documents and details if we are instructed to act for you, these could include the following:

- personal identification;
- anything that may influence the exact time you need to take the tenancy, for example, starting a new job; and

We will also need to know:

- the length of the tenancy agreement – 6 or 12 months;
- if a deposit is being requested;
- is there a mortgage on the property being let;
- you are renting the property with another person;

### Energy performance certificate (EPC)

Before a house or flat can be offered for rent, it is necessary to have someone prepare an energy performance certificate for the property. This provides a rating for the energy performance of the property, and recommendations for improving it. We can tell you more about this when we discuss the tenancy agreement for the property or flat.

### Tenancy Agreements

A tenancy agreement is a contract between the Landlord and Tenant. The contract can be verbal or written. A written contract is always best, as if you have a dispute about the occupation the written contract can be relied on, where a verbal contract leads to one person's word against another's.

There are two types of tenancy agreement-

**Assured Shorthold Tenancy** – usually for a period of six months and if the Landlord serves a valid notice you will have no right to stay at the end of the tenancy.

**Assured Tenancy** – this is often used by housing associations or councils. It gives greater rights to stay at the end of the tenancy period. It is very important you take advice from us before signing such a tenancy agreement.

### Acting for a Landlord

Having asked us to act for you in the tenancy of the property or flat, we will draft a tenancy agreement and provide this to the prospective tenant. It is important you provide the EPC, draft tenancy agreement and any inventory to the prospective tenant and the tenant is given the opportunity to consider the agreement and check all the conditions are acceptable.

### Acting for a Tenant

We will consider the tenancy agreement and advise you on the provisions which will affect you during your occupation of the property.

### What you should consider

- The length and type of tenancy
- The obligations of each party during the tenancy
- Restrictions imposed on both parties during the term e.g. no pets, redecoration, payment of utility bills, etc
- The deposits to be paid and the conditions under which they will be returned

### **Tenancy Deposit schemes**

Since 6 April 2007 all deposits taken by Landlords and letting agents must be held in one of three government approved tenancy deposit schemes. These schemes make it easier to resolve disputes over deposits. They protect tenants by preventing Landlords and lettings agents from unfairly withholding a deposit.

A Landlord must within 14 days of receiving a deposit give details of how the deposit is protected.

### **Disagreements**

Most Tenants and Landlords don't take advice until matters have reached crisis point. It is rare matters can be resolved easily once this point has been reached so please seek advice early.

**If you require advice about any of these areas, or any other legal matter, do not hesitate to contact us by email [info@fraserdawbarns.com](mailto:info@fraserdawbarns.com) or phone 0845 519 6456**