

LEGAL EAGLE



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Do tenants have the right to rent?

As a housing solicitor, much of my time is spent advising landlords of their rights and responsibilities.

Housing law is more complex than people first realise, and landlords often find that they have more obligations towards their tenant than they initially thought.

There are frequent changes to housing law, so all landlords should seek advice regularly to make sure they are up to date.

The latest change in the law is the introduction of the 'Right to Rent' checks, which are another legally-binding obligation on landlords from 1st February,

2016. The purpose of the new law is to help prevent those who do not have the long-term right to stay in the UK from renting property.

The scheme was piloted in the West Midlands for a six-month trial run, and reports suggest that the scheme identified more than 100 people who were in the UK illegally.

The new rules mean that landlords must carry out a simple check on all adult tenants who start a tenancy agreement from 1st February 2016.

This involves making sure that tenants have got the necessary documents to prove that they are entitled to be in the UK long-

term. The Government claims that the checks are simple and straightforward, and that landlords should visit Gov.uk for detailed guidance on how to complete the checks and which documents are acceptable.

The penalties are severe – a fine of up to £3,000 if you are found to be renting to somebody who doesn't have the right to be in the UK – so make sure you are on the ball.

Sadly, I often find that many private landlords are unaware of their rights and responsibilities towards their tenants.

Although the law gives private landlords much more flexibility to end the



tenancy than social landlords, there is still a strict procedure you must follow before evicting the tenant.

The most common misunderstandings are around when you can ask your tenants to move out, and how you go about getting the property back.

Generally, you cannot demand that your tenant moves out unless you have a court order to this effect.

This is the case even if the tenant is in rent arrears or has damaged your property.

If you change the locks without a court order, you may find yourself in hot water for unlawfully evicting your tenants.

In addition, there are strict rules regarding deposit protection which have changed frequently over the last few years.

Landlords should make sure they are up to date with the rules, otherwise the tenant may be entitled to make a claim for up to three times the amount of

the deposit. New rules also came in to play in October 2015 meaning that Section 21 notices may be invalid if you have not protected the deposit.

You may not be able to issue a Section 21 at all until you either protect or refund the deposit.

The rules are complex, so it's worth seeking advice from a specialist solicitor who can look at your individual situation and keep you on the right side of the law.

● Natalie Kidd is a specialist housing solicitor. Call her today on 0191 243 8147 or ChatLive on our website – www.davidgray.co.uk

WORRIED THAT A LOVED ONE CAN'T COPE WITH THEIR PERSONAL AFFAIRS?

WE CAN HELP YOU

When someone you know lacks the mental capacity to make decisions about their finances, property or health, our Court of Protection lawyers can help.

The Court can give the decision making powers to someone else. If that's you, you'll need legal advice to ensure you meet your responsibilities.

Experience counts.

DAVID GRAY
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Get in touch with our expert team on **0191 243 8167**. Help & advice available at our South Shields & Newcastle offices.

www.davidgray.co.uk