

THE TENANT MOVE-IN PACK

When I first started in lettings, aside from a tenancy agreement, gas safety certificate and perhaps a brief inventory, there was little that was required for a tenancy to get set up!

As the years rolled on we have seen the introduction of the Housing Act 2004, Deregulation Act 2015, Energy Performance of Buildings Regulations 2012, Fire Safety (Regulatory Reform) 2005, Smoke and Carbon Monoxide Alarms Regulations 2015 and next year will see the roll out of the Right to Rent legislation throughout England following a pilot scheme in the West Midlands. All of these legislative introductions and changes have had an impact in terms of the documents which need to be produced at the outset of a tenancy.

So aside from the tenancy document itself, what else should be in your move-in pack when you sign up a new tenant?

I think it is safe to say that most people are aware that for an Assured Shorthold Tenancy (AST) there is a requirement that the deposit be protected in one of the three government approved schemes.

Since its relatively quiet introduction in 2007 many landlords have been caught out, being entirely unaware of the need to protect the deposit. More have been caught out by the issues relating to **deposit protection prescribed information**, which should include not only the required information but also a copy of the scheme's up to date terms and conditions, and which must be served on the tenant within 30 days of the tenancy commencement.

Due to the way that the deposit dispute service works it is imperative that a comprehensive inventory of the property is undertaken and signed at the outset of the tenancy. To avoid doing so will mean almost certain failure if your claim to have the deposit awarded to you is contested.

The **EPC** should have already been made available to the tenant, and been given to them before negotiations for the property commenced. Many landlords, however, ask the tenant to sign a copy upon move-in just to ensure that they can demonstrate the tenant has actually seen it.

If the property is in a block of flats then there is an obligation that the common parts of the building have been assessed in respect of fire risk.

A prudent landlord may wish to give the tenant a copy of the **fire risk assessment** although this is not currently mandatory.

On the subject of fire safety, on the 1st October 2015, the Smoke and Carbon Monoxide Alarm Regulations came into force. It means that there should be a smoke detector on every level of a residential building; a Carbon Monoxide Detector is also required in the event that solid fuel is burned at the property. Whilst the obligation is on the landlord to ensure that the alarms are functional at the start of the tenancy, the requirement for testing during the tenancy becomes that of your tenant. As part of the move-in pack you should **detail what maintenance requirements are likely for the smoke alarms** to ensure that your tenant is aware of them.

Furthermore the landlord is obliged to have the property assessed for the risk of Legionella. This relatively recent introduction means that the property should be assessed and an ongoing management plan put in place to ensure the risk is controlled. You may wish to include **a copy of the Legionella risk assessment and recommendations or at the very minimum some advisory notes for the tenant** as part of the move-in pack.

The **Gas Safety Certificate**, performed by an engineer on the Gas Safe Register will also form part of the move-in documents. I'm sure all of you knew about this one! You will also no doubt be aware of the requirement for **Portable Appliance Testing** in the event that you are renting furnished accommodation.

One document you may not be aware of is the **"How to Rent Guide."** This needs to be issued to all tenants as part of the initial tenant sign up process. The tenant must have a copy of this government-issued, circa eight-page document. As with some of the other issues I have mentioned this is a relatively recent requirement.

From February 2016 the Right to Rent regulations will exist through England, so you will have to **verify that your prospective tenant has the legal authority to reside in the UK.**

So equipped with a tenancy, gas safety certificate, how to rent leaflet, inventory, PAT testing results, leaflet on legionnaires disease, details of the smoke alarm systems, EPC, deposit details, prescribed information and fire risk assessment, you should be about ready to sign up your tenant!

Once your tenants have waded through all of these documents, don't forget to obtain a proof of ID and address from them as well! Be aware that if you are acting for a landlord, you will also need their signed authority form and referencing details in order to substantiate your due diligence.

That's all from me this month – I shall leave you to get on with all your tenancy paperwork!

As always I am happy to answer any questions that YPN readers may have. Please feel free to contact me at graham@grahamkinnear.com or 0844 414 8659.



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