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THE  
**GUIDE**  
TO RENTING A PROPERTY



# Renting from a private landlord

## Assured shorthold tenants (before 28 February 1997)

You will be an assured shorthold tenant if your tenancy is for a fixed period of not less than six months.

This is a less secure type of tenancy than an assured tenancy. It is granted for a fixed period of not less than six months. After this ends, your landlord can apply to the court for possession as long as they have given two months' notice in writing. If your landlord does not renew the agreement, you can stay on until your landlord serves notice that they want to repossess the property.

You will not be an assured shorthold tenant if the accommodation:-

- is a holiday let
- is a company let
- is rented by you and you are a student from a university or college
- is private temporary accommodation in which you are housed because you are homeless
- has a resident landlord
- is accommodation for which you pay no rent.

## Rights of assured shorthold tenants

As an assured shorthold tenant you have the right to stay in the accommodation until the fixed term ends unless your landlord can convince the court there are reasons for eviction, for example, rent arrears, damage to property, or that one of the other terms of the agreement has been broken. You can stay on after the end of the fixed term, even if the agreement is not renewed, until your landlord gives you notice.

As an assured shorthold tenant you can enforce your rights, for instance to get repairs done, but if you do, your landlord may decide not to renew the tenancy agreement at the end of the fixed term. As well as the right to stay in your home for the fixed period as long as you keep to the terms of the tenancy, you will also have other legal rights including:-

- the right to have the accommodation kept in a reasonable state of repair
- the right to carry out minor repairs yourself and the right to deduct the cost from the rent.

If you are considering doing this you should consult an experienced adviser, for example, at a Citizens Advice Bureau.

- the right of your spouse, civil partner or other partner to take over the tenancy on your death (the right of 'succession')
- the right not to be treated unfairly because of your disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexuality.

You may have a written tenancy agreement which may give you more rights than the minimum provided by law. You can find more information on assured shorthold tenancies from the Communities and Local Government website at [www.communities.gov.uk](http://www.communities.gov.uk).

## The tenancy began on or after 28 February 1997

Any new tenancy created on or after this date is automatically an assured shorthold tenancy, unless:-

- it was created following a contract made before 28 February 1997; or
- your landlord serves a notice on you stating that the tenancy is not to be an assured shorthold tenancy; or
- there is a clause in the tenancy agreement stating that it is not to be an assured shorthold tenancy; or
- the tenancy is one created by the death of a former protected tenant; or
- the tenancy was previously a secure tenancy and became an assured tenancy; or
- you are an occupier with basic protection (see under heading The tenancy began before 15 January 1989).

The list of exceptions is not exhaustive. Only the most important exceptions are given.

If the tenancy is not an assured shorthold tenancy for one of the reasons given above, it will be an assured tenancy. You will have the same rights as other assured tenants whose tenancy began before 28 February 1997 but after 15 January 1989.

Assured shorthold tenancies created on or after 28 February 1997 do not have to have a fixed term period at the beginning of the tenancy, although your landlord may give a fixed term if they want. If no fixed term is agreed, the tenancy will be what is called a periodic tenancy. No written agreement or notice is needed to create an assured shorthold tenancy on or after 28 February 1997. An oral agreement is sufficient.

## Rights of assured shorthold tenants (on or after 28 February 1997)

The rights are the same as for other assured shorthold tenancies. However, there is one additional right to a statement from your landlord of the terms of the agreement. Your landlord must provide a written statement of the basic terms of the tenancy which are not already provided in writing. Failure to provide the statement is a criminal offence.

### Repairs

The landlord's general responsibilities

By law, your landlord has a number of repairing responsibilities, including repairing and keeping in working order:-

- the structure and exterior of the premises, including drains, gutters and external pipes
- the water and gas pipes and electric wiring (including, for example, taps and sockets)
- the basins, sinks, baths and toilets
- fixed heaters (for example, gas fires) and water heaters (but not gas or electric cookers).

Your landlord has these duties by law, no matter what is written in the tenancy agreement. However, if you ask your landlord to do these repairs they may attempt to regain possession of the property or not renew the agreement when it expires. Before attempting to use this general right to repairs you should consult an experienced adviser.

The tenancy agreement may specify additional repairing obligations.

### Common parts

Your landlord is normally also responsible for repairs to common parts of the building, for example, stairways, lifts, hallways or garden paths shared with other tenants or your landlord.

### Gas appliances

Your landlord must make sure that any gas appliances in residential premises are safe. They must arrange for safety checks on appliances and fittings to be carried out at least once every twelve months. The inspection must be carried out by someone who is registered with Gas Safe Register. Their website is: [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk).

The landlord must also keep a record of the date of the check, any problems identified and any action taken. As a tenant, you have the right to see this record as long as you give reasonable notice.

If your landlord does not arrange for checks or refuses to allow you to see the record of the check, you could contact the local Health and Safety Executive office. However, if you have limited security, you may face eviction if you take action against your landlord.

## Shared accommodation

If you live in a certain type of shared accommodation in England, your landlord may need to hold a licence. This type of shared accommodation is known as a house in multiple occupation (HMO).

You are likely to be living in an HMO if you share a toilet, bathroom or kitchen with people who are not members of your family. Your landlord will need a licence if you live in an HMO which is three or more storeys high, you share it with four or more other people and you are not all members of the same family. Your landlord may also need a licence if your local authority has decided that smaller HMOs and/or other private landlords should also be licensed in the area you live in. You can find out if this is the case by contacting the department of your local authority that deals with private rented housing.

If you are living in a property which is licensed, this means that the property has to meet certain standards and the landlord has to abide by certain conditions. Before it grants a licence, the local authority will consider whether or not the landlord is fit to manage the property. It will also say how many people are allowed to live in the building. The local authority can prosecute landlords who let properties without the necessary licence or who break the conditions of their licence.

The rules of the licensing system are complicated and some kinds of property are not included.

In England, if you live in an HMO, you must cooperate with your landlord to help them carry out their legal responsibilities. For example, you must:

- follow your landlord's arrangements for storing and getting rid of rubbish
- follow any reasonable instructions about fire safety.

To find out more about HMOs and the licensing system, contact your local Citizens Advice Bureau.

## Further information

In England, you can find more information about your rights as a private tenant on the Shelter website at: [www.shelter.org.uk](http://www.shelter.org.uk)

If you are thinking about renting from a private landlord, there is a leaflet to help you avoid the pitfalls of renting. You can find this information about this, and download a copy online at: [www.lacors.gov.uk](http://www.lacors.gov.uk).