

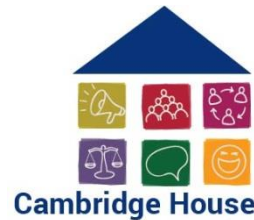
15 legal tips to tenancy sustainment

A TRO's guide to homelessness
prevention

Ben Reeve-Lewis

of

Safer Renting – Cambridge House



Safer Renting – Cambridge House

- **Protect tenants from the activities of criminal landlords.**
- **Provides advice and advocacy service for licensing, housing enforcement and homelessness for 4 London councils.**
- **Defends possession cases in court.**
- **Prosecute landlords for harassment and illegal eviction & obtains injunctions for re-entry and to stop harassment.**
- **Currently working on in-depth research project with Dr Julie Rugg of York Uni on how the PRS is used for people trafficking & criminal activity.**
- **Creating the first government apprenticeship for housing advice and homelessness workers.**



True or False

- It is illegal for a landlord not to provide a rent book?

True or False

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True

- Section 4 Landlord and Tenant Act 1985 but only where the tenancy is weekly not monthly.

True or False

- If a landlord does not give the tenant an address for service of documents they are not entitled to receive any rent?

True or False

- If a landlord does not give the tenant an address for service of documents they are not entitled to receive any rent?

True

- Section 48 Landlord and Tenant Act 1987. Must be an address in England or Wales, not Scotland.

True or False

- **If a landlord lives abroad, the tenant must deduct the tax from the rent and pay it to HMRC on the landlord's behalf?**

True or False

- If a landlord lives abroad, the tenant must deduct the tax from the rent and pay it to HMRC on the landlord's behalf?

True

- Unless landlord has NRL certificate and pays his own tax.

True or False

- **Any notice served on tenancies by a company must be signed by the directors of the company?**

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True or False

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True

- S44 Companies Act 2006 – 2 directors, a director and a witness, a director and a secretary or the company seal.

True or False

- **If a council pays a deposit for a tenant the landlord must serve the council with prescribed information as well as the tenant?**

True or False

- **If a council pays a deposit for a tenant the landlord must serve the council with prescribed information as well as the tenant?**

True

- **S213 (5) Housing Act 2004. Landlord must serve prescribed information on ANY relevant persons**



True or False

- **If a landlord does not serve a gas safety certificate on a tenant before they move in, they can never use s21?**

True or False

- If a landlord does not serve a gas safety certificate on a tenant before they move in, they can never use s21?

True

- s36 Gas Safety Regulations 1998
- Caridon Properties v. Shooltz (2018)

Invalid section 21 notices – Housing Act 2004

- Property needs a licence but doesn't have one.
- Landlord hasn't applied for a licence
- Hasn't been given a temporary exemption certificate.
- Note from 1st October 2018 definition of mandatory HMO will change.
- Three storeys no longer a requirement
- So more licenses needed and fewer s21 will be valid

Invalid section 21 notices – Housing Act 2004

- **Deposit not protected.**
- **Prescribed information of scheme being used not served on any relevant person.**
- **Ayannuga v. Swindells emphasised that PI is a statutory requirement of equal importance to protection.**

Invalid section 21 notices – Deregulation Act 2015

- All ASTs that began or were renewed after 1st October 2015.
- Retaliatory eviction
- No EPC served.
- No Gas safety Cert served.
- No copy of 'How to Rent' served (hard copy or PDF only, not link to website)
- S21 served earlier than 4 months into initial tenancy
- Prescribed form 6A not used

Invalid section 21 notices – Post 1st October 2018

- One to watch.
- The Deregulation Act says it will apply to ALL tenancies from 1 October 2018 (including those granted before 1 October 2015)
- But, the regulations say it only applies to ASTs granted on or after 1 October 2015 (including renewals).
- Only definite is ‘How to Rent’ booklet wont apply.

Invalid section 21 notices – court application form N5B

- There is a new court form for accelerated possession issued November 2017.
- All the s21 validation requirements must be evidenced.
- Homelessness workers can use this form as a reference checker.

Shocking facts

- Last P1E, revealed that nationally 32% of homelessness acceptances came about as a result of landlord seeking possession under s21.
- Safer Renting, working in 4 London boroughs on 200 cases over 2 years have seen just 1 valid section 21.

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I hope its been useful

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