

Private Rented Accommodation



This leaflet explains:

- Costs of privately renting
- Deposits
- Tenancy agreements
- Your rights as a private tenant
- Bringing a tenancy to an end
- Finding somewhere to rent
- Further advice

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Language Line

We subscribe to Language line, a telephone interpretation service to help us in communicating with customers who do not speak English as a first language. If you require further assistance, or information in another language, please contact us.

نحن مشتركون مع لانغويج لاين (Language line)، وهي خدمة الترجمة الفورية عبر الهاتف لمساعدتنا على التحدث مع الزبائن الذين لا يتكلمون اللغة الانجليزية كلغة أولى. يرجى الاتصال بنا إذا اردت المزيد من المساعدة أو المعلومات بلغة أخرى.

Arabic

我们使用语言线 (Language line) 公司的电话翻译服务, 帮助我们与英语不是母语的顾客沟通。如果你需要更多协助, 或需要此信息的另一种语言版本, 请与我们联系。

Mandarin

W celu komunikowania się z klientami, których jęz. ojczysty nie jest jęz. angielskim korzystamy z usług tłumaczenia przez telefon Language Line. Prosimy o kontaktowanie się z nami w celu uzyskania pomocy lub informacji w innym języku.

Polish

Temos uma assinatura com a Language Line, um serviço de interpretação por telefone que nos permite comunicar com os nossos clientes cuja língua materna não é o inglês. Se necessitar de informação ou de assistência noutra língua deve contactar-nos.

Portuguese

Наша организация является пользователем услуг компании Language line. Language line оказывает услуги телефонного перевода для общения с лицами, не владеющими английским языком. Если вам нужна дополнительная информация об этих услугах или если вы хотите получить информацию на другом языке, просим сообщить нам об этом.

Russian

Costs

Costs of privately renting

Privately renting is usually more expensive than other forms of rented accommodation. If you are on a low income you may be entitled to housing benefit, to help you to pay the rent. See 'Rent Deposit Loans' leaflet.

If you are aged under 25, it is expected that you will rent a room in a shared property. Therefore, for single people aged under 25, housing benefit is normally restricted to cover the equivalent cost of renting a single room in a shared house.

Pre tenancy determinations

You can find out the maximum amount of housing benefit you can get before you move into a property.

Paying rent

If you do find a home to rent it is important to make sure you pay the rent. If you fall behind with your rent get advice as soon as possible and explain your situation to your landlord.

Don't stop paying the rent. Try to pay something extra each week or month to clear the arrears, if you can. If you cannot afford the rent, make sure you are getting all the benefits you may be entitled to.

Your landlord will have the right to take action to evict you if you get into arrears. If you get evicted it may be difficult to find other accommodation as most private landlords run credit checks, and the Council may investigate whether you made yourself 'intentionally homeless' if you apply to the Council for housing.

Deposits

Most private landlords require a deposit from tenants. This acts as security against any damage which may be caused to the property and against non-payment of rent. If you have to pay a deposit, the landlord will keep it until you move out of the property. It will then be returned to you with any reasonable deductions made for damage or unpaid rent.

To ensure the deposit is returned, you should check that the inventory list is fully completed, accurate and signed by you and the landlord at the start and end of the tenancy. If there is any dispute over the return of the deposit, you should seek advice from a solicitor or the Citizens Advice Bureau or any local advice agency.

South Holland District Council operates a rent deposit scheme for **homeless** households. The Rent Deposit Loans leaflet provides more details. Housing advisors at the Council offices will tell you if you are eligible for the scheme.

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Agreement **The tenancy agreement**

Tenancy or licence agreements may be either written or verbal. Verbal agreements are as legally binding as written ones.

It is advisable to get a written agreement so your responsibility and that of your landlord are clearly defined. Tenancy agreements can't take away from you the rights granted by Acts of Parliament, even if the tenancy agreement says otherwise.

Although the terms of the tenancy agreement may be negotiated between you and the landlord, you may not have much scope to negotiate favourable terms. If any terms are unfair, they may be challenged using the Unfair Terms in Consumer Contracts Regulations 1999.

Before signing a tenancy agreement, read it carefully and check:

- the type of letting, for example what do you have sole use of, what facilities are shared with others, is the letting for a fixed term and if so for how long ?
- the amount of your rent and whether it includes payments for Council Tax, gas, electricity and services such as laundry and telephone
- how often the rent is due, and on what date you have to pay it
- whether there are any rent review clauses, and how often the landlord can review the rent
- the amount of deposit required and if / when this is refunded
- what are your obligations to repair and decorate the property
- what happens if you want to leave the property. Check for a break clause. This is particularly important for fixed term tenancies, because if there is no clause allowing you to give notice, you may have to pay the rent for the rest of the fixed term.
- who you should contact if there are any problems during your tenancy.

Your Rights

Your rights as a private tenant

Private tenants have the following rights, regardless of the type of tenancy:

- the right to know the name and address of the landlord
- to have a rent book
- to get repairs carried out
- for the accommodation to be safe
- not to be subjected to harassment or illegal eviction

Security of tenure

Private renting can be much more flexible than other forms of housing, with both short term and long term lets available. You should be aware of what your tenancy rights and responsibilities are before moving in. There are various forms of tenure in the private rented sector. Private sector tenancies let since 15th January 1989 are governed by the Housing Act 1988. This was amended by the Housing Act 1996 and the majority of tenancies will be assured or assured shorthold tenancies.

There are some types of private rented occupation which can't be assured or assured shorthold tenancies, including:

- licences, where you share facilities
- accommodation provided as part of a job package
- accommodation provided by a friend or family where there was no intention to create a legally binding agreement
- accommodation where there is a resident landlord living in the same building
- accommodation rented from a college or other educational establishment
- holiday lets.

Tenants who fall into any of the above categories are likely to be occupiers with basic protection or excluded occupiers. These types of occupiers have very limited rights and landlords can usually regain possession very easily.

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Tenancies **Assured shorthold tenancies**

Since 28th February 1997, all new private sector tenancies which do not fall into one of the above categories, will automatically be assured shorthold tenancies. This is unless the tenancy agreement specifically states that the tenancy is to be an assured tenancy and that a Section 20 notice was served at the start of the tenancy.

Assured shorthold tenancies can either be for a fixed term, usually 6 or 12 months or periodic, rolling from week to week or month to month. During the first six months of tenancy, whether there is a fixed term or not, landlords cannot automatically regain possession of the property. They can only do so if they can prove a ground for possession to the court, for example rent arrears. After the first six months, landlords can regain possession by serving a minimum of two months' written notice. Tenants will not have to leave at the end of the notice period, but can stay until the court has granted a possession order and a bailiff's warrant.

Assured tenancies

Assured tenancies are tenancies with private non-resident landlords and housing associations created on or after 15th January 1989.

Assured tenants have greater security of tenure than assured shorthold tenants because the landlord can't normally regain possession without serving correct notice and proving a ground for possession to the court. The court must then agree to the grounds and grant a possession order.

Bringing the tenancy to an end

How your tenancy can be brought to an end will depend on the security of tenure you have. The type of tenancy can affect when and how you or the landlord can take action to end the tenancy and the amount of notice that must be given. Check your copy of the tenancy agreement carefully.

If the tenant wishes to leave

As a tenant wanting to leave the property you must give notice to your landlord. How much notice you will have to give is written in your tenancy agreement.

If the landlord wants to evict the tenant

In most cases, if the landlord wishes to gain possession they must give reasonable notice and get a court order. However, excluded occupiers, as referred to earlier, have fewer rights and the landlord can evict without a court order.

Finding somewhere

Finding somewhere to rent

Finding suitable accommodation is not always easy. Here are some things you can do to try and find somewhere:

- look in the local newspaper
- ask Estate Agents
- look on noticeboards in shops and post offices
- ask people you know
- ask the Housing Advisors at the Council Offices if they know about any vacancies.

When you rent a home from a private landlord, you may speak to the landlord directly, or to an estate agent who manages the property for the landlord.

Housing Advice

You can get free independent housing advice from SHELTERLINE
Telephone: 0800 800 4444 or
www.shelter.org.uk



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Estate Agents

Here is a list of estate agents who may have homes to rent;

AP Sales

38 New Road, Spalding, telephone 01775 725300

R Longstaff and Co

5 New Road, Spalding, telephone 01775 766766

2 West End, Holbeach, telephone 01406 422760

William H Brown,

18 Sheep Market, Spalding, telephone 01775 711711

34 Market Place, Long Sutton, telephone 01406 363224

Collings

13 High Street, Long Sutton, telephone 01406 362098

Munton and Russell

16 Sheep Market, Spalding, telephone 01775 722475

14 Fleet Street, Holbeach, telephone 01406 426274

Hix and Son

28 Church Street, Holbeach, telephone 01406 422777

Principal Estate Agents

10 High Street, Holbeach, telephone 01406 425678

How to get in touch with us:

Write to us at:

South Holland District Council
Housing Section
PO Box 8, Priory Road
Spalding, Lincs PE11 2XQ

Telephone: 01775 761161
ask to speak to Housing

E-mail: info@sholland.gov.uk

Website: www.sholland.gov.uk

Call in and see us at the Council
Offices in Priory Road, Spalding -
any weekday from 8.30am to 5.15pm,
except on Fridays when we
close at 4.45pm.

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