



## Ten Legal Musts for Landlords

### 1) Gas Safety

Where there are any gas boilers or appliances in the property provided by the landlord, the landlord must ensure that an annual gas safety check and service is carried out. This must be undertaken by a registered Gas Safe Engineer. A copy must be provided to the tenant before they move in.

It's important that you keep old gas service and maintenance records. You are legally required to retain this documentation for three years.

Irrespective of what the lease states you cannot pass the responsibility for gas safety checks and servicing on to the tenant. Legally this is the landlord's responsibility.

The landlord is required to supply a carbon monoxide detector for the safety of the tenant. Some landlords choose to install these as a rule irrespective of whether their property has a gas heating system or not. Why? Imagine if your tenant opens a window in close proximity to the gas flue of a neighbouring property. The cost is minimal and it gives the landlord some peace of mind.

### 2) Fire Safety

Where a landlord controls a Houses in Multiple Occupation (HMOs), flats, bedsits or hostels there should be a risk assessment in place to comply with Fire Safety Legislation.

### 3) Energy Performance Certificates (EPCs)

Before a property is marketed there must be an Energy Performance Certificate in place for most types of property. This must be made available to prospective tenants and a copy of the certificate provided to any tenant who moves in to the property.

### 4) Deposits

If you take a deposit from a tenant, the deposit must be protected under one of the three tenancy deposit schemes and the prescribed information regarding the deposit must be given to the tenant within 14 days of receiving the deposit.

### 5) Payments of rent/administration fees

It is very important that advance payments of rent, non-returnable administration fees and holding fees are not confused with deposits. You should always make clear to tenants what money is being taken for; otherwise it could be regarded as a deposit which shall be protected under one of the deposit protection schemes.

## **6) House in Multiple Occupation (HMOs)**

If your property is a House in Multiple Occupation (e.g. bedsits, shared house or a shared flat) then the property must be registered as a HMO with the local authority. There is a cost for this. It must be paid five years in advance.

## **7) Electrical inspections**

A five yearly electrical inspection must be carried out by a competent electrician. However it is important to check your insurance policy and the last periodic inspection report. The insurance policy may stipulate that the electrical installation has to be inspected more regularly. In addition the last periodic inspection may recommend inspections at shorter intervals if the system is ageing.

## **8) Electrical appliances**

Where a property is provided with electrical appliances it is the landlords responsibility to make sure that they are safe at the outset of letting.

## **9) Fire alarm systems and fire precautions**

There are some cases whereby landlords are legally required to provide a fire alarm systems. An example is a HMO. The landlord is responsible for ensuring that the fire alarms are maintained and tested. You must also make sure that the means of escape from the property (normally the halls stairs and landings) are unobstructed.

In some circumstances Fire Fighting Appliances and Equipment are also required. In a HMO or buildings where there are common areas a Fire Risk Assessment is required.

## **10) Illegal eviction/harassment**

You must not harass your tenants. It is unlawful to evict a tenant without a Court Order. You cannot throw a tenant out because he is in arrears with his rent or breaking the terms of his tenancy. You must go to Court to get a possession order.

### **Disclaimer**

This list has been compiled in good faith by NI Homes. We hope that it proves useful however it is only a general guide and should be used as such. We recommend that each property is inspected and assessed individually by a competent person / local authority and an appropriate action plan is put in place.