

# Allied Property Solicitors Property Management

## **Marketing your property**

We can give you advice on target rent based on recent lettings in the area.

Your property will be displayed in our display showroom in Haddington and on our website.

We will produce an A4 property schedule.

As well as being advertised in our property showroom and website, we will advertise the property in the local press.

## **Accompanied viewings**

We will accompany all interested parties to view the property.

## **Tenant referencing and checks**

We will obtain and check references from all interested parties.

## **Short Assured Tenancy Agreements and relevant AT5 notice**

We will prepare a Short Assured Tenancy Agreement together with the necessary AT5 in accordance with the Housing (Scotland) Act 1988 and will send you a copy of all the relevant documents.

## **Inventory**

We will prepare a detailed inventory of the contents within the property.

## **Energy Performance Certificates**

From 4 January 2009, all Landlords have a legal requirement to produce such Certificates and we will arrange for this to be done by our Surveyors. The cost of this is £75 plus VAT for up to 4 bedrooms and 5 bedrooms is £95 plus VAT.

### **Council Tax & Utility Bills**

We will notify the Local Authority, and Gas and Electricity suppliers with the details of the new Tenant, the commencement date of the Tenancy Agreement and meter readings.

### **Deposit, monthly rental and statement**

We will secure a deposit from the Tenant to be held for the duration of the Tenancy Agreement. The deposit will be refunded to the Tenant less any deductions for any replacement or works to be carried out at the end of the Tenancy Agreement period. We will collect the monthly rent, deduct any outgoings and fees and forward the balance of rent to you together with a statement of account on a monthly basis.

### **Management of the property**

We will inspect the property every three months and report to you regarding the condition of the property. We will also deal with any communication from the Tenant and liaise with you in connection with any works or repairs that are required at the property.

### **Fees and costs**

For each property there is a one off fee of £149 which includes visiting the property to value it for rental purposes, preparing an A4 property schedule, advertising on our website and local press, identifying a prospective tenant, carrying out the necessary checks and references, preparation of a Short Assured Tenancy Agreement and AT5, preparation of an inventory of contents and contacting the Local Authority and Utility Companies with meter readings, change of names etc.

Our monthly management fee is 10% of the monthly rent.

### **Landlord Registration Scheme**

In 2004, the Scottish Parliament passed the Antisocial Behaviour (Scotland) Act 2004. This law requires all private Landlords to register with Local Authorities. It also gives Local Authorities powers to take specific action against Landlords who do not take reasonable steps to manage antisocial behaviour caused by their Tenants. These measures took effect from April 2006.

### **Who needs to register?**

Essentially any private Landlord or Agent who manages property for a private Landlord needs to be registered. There are some exemptions including holiday lets, houses managed by religious orders and houses providing care services governed by the Care Commission regulations.

### **What information do Landlords need to provide?**

Landlords will need to provide their name and address and a list of the addresses of the properties they currently have for let. If they use an Agent they will need to provide the name and address of the Agent. Landlords will also be required to provide information about any relevant convictions and a declaration stating that they comply with the legal requirements related to managing rented property.

### **Are Landlords registered automatically?**

No. Local Authorities need to be satisfied that Landlords and their Agents are “fit and proper” for the purpose of private renting. Local Authorities may consider a wide range of information in reaching this decision including any:-

- ✚ Offences committed by the Landlord involving fraud, dishonesty, violence or drugs.
- ✚ Unlawful discrimination with regard to sex, colour, race, ethnic or national origins or disability.
- ✚ Contravention of any provision of the law relating to housing or Landlord and Tenant relations.
- ✚ Evidence that a Landlord has failed to take action in relation to antisocial behaviour affecting a house they manage.
- ✚ Anything else that the Local Authority feels is relevant when forming a view if someone is fit and proper.

### **How much does it cost?**

It costs £55 to register and £11 for every property that you let.

### **How do I register?**

The most cost effective way to register is on-line with your Local Authority. Contact details are listed at [www.landlordregistrationscotland.gov.uk](http://www.landlordregistrationscotland.gov.uk). You are entitled to a 10% discount if you submit your application this way. So, your fee then becomes £49.50 to

register and £9.90 for each property you let. If you want to use a paper based application you can download this from the above website.

### **What happens to Landlords who do not register?**

A Landlord who does not register and continues to let property is guilty of an offence. A Local Authority may serve a notice suspending the Tenants' rent payments. Alternatively, a Local Authority can seek a criminal prosecution against an unregistered Landlord who continued to let property.

### **How long will registration last?**

Registration will last for a period of three years before the Landlord is required to register again. However, a Local Authority may seek to remove a Landlord from the register if information comes to its attention that a registered Landlord is not a fit and proper person.

### **Energy Performance Certificates**

The purpose of the following is to provide private Landlords with information on Energy Performance Certificates (EPC)

An EPC is a document which states the energy efficiency of a building based on the standardised way that the building is used. Carbon dioxide (CO<sub>2</sub>) ratings are shown in bandings from A to G with A being the least polluting.

The main focus of the certificate is the amount of CO<sub>2</sub> which is estimated to be released from the building. The performance of the dwelling is benchmarked against current building standards and recommended cost effective improvements. The certificate must be fixed to the dwelling and will be valid for a period of 10 years.

### **Why have they been introduced?**

The earth's natural resources such as oil products, natural gas and solid fuels are limited and steps must be taken to conserve these commodities. Scientific studies have indicated that these resources also generate emissions such as CO<sub>2</sub> which are considered to have a direct contribution to global warming. Making a building more energy efficient through improvements in heating systems, insulation and air conditioning units will lead to a reduction in energy and consumption and CO<sub>2</sub> emissions.

Scotland as part of the United Kingdom along with all other EU member states has an obligation under the Energy Performance of Buildings Directive (EPBD) to promote the improvement in the energy performance of new and existing buildings.

### **What information will be shown on the EPC?**

- ✚ The EPC should display an indication of current carbon dioxide emissions.
- ✚ Provide an indication of potential emissions on an annual basis and also the potential energy use of the buildings and
- ✚ Record a list of cost effective improvements.

### **What should I do with the EPC?**

It is the responsibility of the building owner to “affix the certificate to the building” – this is a legal requirement. The EPC should be indelibly marked and located in a position that is readily accessible, protected from weather and not easily obscured. A suitable location could be in a cupboard containing the gas or electricity meter or the water supply stopcock.

### **When does an EPC have to be produced?**

An EPC has to be produced for all properties which are sold or rented from 4 January 2009.

### **Do all Tenants of rented properties require to have an EPC by the European deadline of 4 January 2009?**

No. All Tenants who rent a property on or after 4 January 2009 must be provided with an EPC (i.e. new tenancies). However, the Landlord would be advised to ensure that they have all the information necessary to produce the EPC before the deadline.

### **Who can provide me with an EPC?**

The Scottish Government has entered into protocols with a number of organisations and professional bodies. Details of qualified and accredited members will be made available by the protocol organisation. Further details are available on the SBSA website [www.sbsa.gov.uk](http://www.sbsa.gov.uk)

### **What does the energy efficient rating on the EPC mean?**

This shows the energy efficiency of the dwelling at present (current) and the efficiency if the cost effective measures were implemented in future (potential). This is based on the information about the dwelling not the way in which it is used.

### **What does the environment impact (CO2) rating on the EPC show?**

This shows the amount of CO2 emissions from the dwelling at present (current) and the emission in future (potential) if the cost effective measures were introduced.

### **The EPC lists cost effective improvements – what does this mean?**

These are low cost ways in which you can reduce the carbon dioxide emissions from the dwelling and increase energy efficiency. Examples could be to fit low energy light bulbs or to increase the insulation in the loft. The suggested improvements will be considered to be cost effective at the time the EPC was produced although these may change over time.

### **Do I have to carry out the cost effective improvements?**

No - but you may wish to give serious consideration to these possible improvements as not only will they reduce the carbon emissions generated they could also save you money.

### **When should an EPC be updated?**

An individual EPC will only be valid from a period of ten years. If major works were to be undertaken during this period of time, the building owners may choose to update the certificate however, this is not mandatory.

### **Do I have to update the EPC after 10 years?**

No – only if you sell or rent out the property after the 10 year period. The same EPC can be passed to subsequent Tenants if it has been produced by a member of a protocol organisation within this 10 year period.

### **How do I get a replacement EPC if it becomes damaged or destroyed?**

If the property is a new build, this information should be held by the Local Authority. If not, contact the original protocol organisation who produced the EPC in the first place. Local Authorities may make a charge for this service.

### **I understand that additional information can be generated in addition to the EPC, what is this?**

RdSAP (the software used to produce the EPC) will also provide an energy report which provides basic energy information and advice on higher cost measures you can take to improve energy efficiency. You can as the Landlord retain this information to help you

decide on improvements and send this to Tenants with the EPC. This additional service is optional.

### **Furniture and Furnishings (Fire) (Safety) Regulations**

Landlords are required to ensure that all furnishings left within the property comply with the current Furniture and Furnishings (Fire) (Safety) Regulations.

Many domestic fires and deaths are caused by soft furnishings catching fire and the highly poisonous fumes their man-made foams and coverings give off.

The Furniture and Furnishings (Fire) (Safety) Regulations 1988 set fire resistance standards for domestic upholstered furniture, furnishings and other upholstered products.

These act as second legislation under the Consumer Protection Act 1987 and amended regulations introduced in 1993 drew specific attention to providing furnished accommodation.

Under these regulations Landlords and Agents must ensure their furniture and furnishings meet and pass the following standards and tests:-

- ✚ Upholstered articles must have fire resistant filling material.
- ✚ Upholstered articles must have passed the match resistance test.
- ✚ Combinations of cover fabric and filling material must have passed the cigarette resistance test.

If manufactured after 1 March 1989 or sold by a retailer after 1 March 1990, the following products must meet these standards and be labelled accordingly:-

- ✚ Beds, headboards and mattresses.
- ✚ Extra or replacement furniture purchased for rented accommodation.
- ✚ Futons, sofa beds and other convertibles.
- ✚ Garden furniture suitable for use inside a property.
- ✚ Loose and stretch covers for furniture.
- ✚ Nursery furniture.
- ✚ Pillows, scatter cushions and seat pads.

However, the following products are not covered by the regulations:-

- ✚ Antique or any furniture made before 1950.
- ✚ Bedclothes and duvets.

- ✚ Carpets and curtains.
- ✚ Loose mattress covers.
- ✚ Pillowcases.
- ✚ Sleeping bags.

When buying new or second hand furniture for a rental property, Landlords should always check there is an appropriate safety label.

Furniture or furnishings purchased after 1 March 1990 from a reputable supplier should also have the following labels attached:-

- ✚ Display labels – all furniture will carry the appropriate display label at point of sale.
- ✚ Permanent labels – all new furniture and covers for furniture except mattresses and bed bases must carry a permanent and non detachable label.

The maximum penalty for failure to comply with these regulations is six months jail, a £5000 or both.