



Who/What Is A Residential Landlord

A landlord is anyone who rents out a property they own under a lease or a licence that is shorter than seven years.

Landlords' duties apply to a wide range of accommodation, occupied under a lease or a licence, which includes but not exclusively:

Residential premises provided for rent by:

- local authorities
- housing associations
- private sector landlords
- housing co-operatives
- hostels

Rooms let in:

- bedsit accommodation
- private households
- bed and breakfast accommodation
- hotels

Rented holiday accommodation such as:

- chalets
- cottages
- flats
- caravans
- narrow boats on inland waterways

Short-term landlord (less than 28 days): Landlords duties apply where a property has been rented out for less than 7 years.

Long-term landlord (more than 28 days but less than 7 years): Landlords duties apply where a property has been rented out for less than 7 years.

Long-term landlord (more than 7 years): However, if there remains an implied tenancy arrangement, such as accommodation is provided as part of a job (eg vicar, publican), then we recommend that you carry out the landlord's duties for the property.

Letting/managing agent (agent): The management contract should clearly specify who is responsible for the maintenance, gas safety check duties and associated record keeping. If the contract specifies that the agent is responsible, the same duties under the Gas Safety (Installation and Use) Regulations 1998 that apply to a landlord apply to the agent. If the contract is unclear, the duties remain the responsibility of the landlord.

Landlord responsibilities

Once you have established that you are a landlord, you have certain legal obligations. The rules and procedures vary depending on the type of tenancy you have but certain basic rules are always the same.

Key advice

Landlords must give tenants certain information

You must give your tenant certain information at the start of your tenancy.

This information includes:

- an Energy Performance Certificate for your home
- a copy of the [government guide How to rent](#)
- Your full name and address or [details of your lettings agent](#) (who must give you the landlord's details if you ask)

The court can fine a landlord who does not disclose their name and address within 21 days.

Most landlords must protect your deposit

You must protect your tenancy deposit with a UK government-approved deposit protection scheme if the Tenant is an assured shorthold tenant.

If the deposit should have been protected but wasn't you can be fined and it can be more difficult for you to end your tenancy.

All landlords must return the deposit to the tenant at the end of your tenancy, unless there's a dispute about damage caused to the property or rent that hasn't paid.

You must carry out most repairs

Landlords are responsible for most repairs to the exterior or structure of a property.

This means that problems with the roof, chimneys, walls, guttering and drains are the responsibility of the landlord. Landlords are also responsible for keeping the equipment for supplying water, gas and electricity in safe working order.

If you have an assured shorthold tenancy that started or was renewed on or after 1 October 2015, then you could find it harder to evict a tenant who has complained about repairs.

You must meet safety standards

Landlords have legal obligations to ensure the safety of tenants.

Most private landlords are also responsible for installing smoke alarms on each floor of your home and carbon monoxide detectors in rooms with a coal fire or wood burning stove.

Landlords must also:

- get a gas safety certificate for every gas appliance they provide
- make sure any furniture and electrical equipment they provide meets safety standards

You must follow the rules on rent

You must tell your tenant when the rent is to be paid and how it should be paid, for example by cash or cheque or into a bank account.

You can't refuse to accept your rent.

You can increase the rent but only at certain times during the tenancy and only in certain circumstances. These depend on the type of tenancy you have and what, if anything, your agreement says about when the rent can be increased.

If your tenant pays rent weekly, you must provide a rent book.

You should not disturb or harass your tenant

You may need access to the property to inspect it and do repairs but you must let your tenant live in the property without unnecessary interference.

You should always give your tenant reasonable notice and arrange a suitable time if you need to visit, unless there's an emergency.

The amount of notice you have to give might be set out in your tenancy agreement.

You or anyone employed by you should not harass your tenant in the property or make it difficult for them to stay there.

You must follow rules when you want the tenant to leave

Most landlords must give at least some written notice and get a court order to evict their tenants.

The specific legal procedure that has to be followed to evict a tenant depends on the type of tenancy and the reasons for the eviction.

If you need initial advice and assistance in relation to your responsibilities please contact Cornwall Residential Landlords on 01872 554498 or email crlawp@gmail.com.

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