

Tower Hamlets Housing Advice Service

After months of concentrated effort, preliminary inspections and a very thorough audit visit on the 28th October 2011, Housing Advice has been awarded the General Quality Mark for casework again.

The Quality Mark is the quality standard underpinning the Community Legal Service and Criminal Defence Service. The aim of the Community Legal Service (CLS) is to improve access for the public to good quality legal information, advice and services.

The Quality Mark indicates to members of the public who need legal information, advice and other help, that they can rely on receiving a quality assured service.



CONTACT DETAILS

Landlords Update, Noella Ling,
Housing Options Service
Albert Jacob House, 62 Roman Road,
Bethnal Green, London E2 0PG.

Telephone: 020 7364 3558
e-mail: housing.advice@towerhamlets.gov.uk
website: www.towerhamlets.gov.uk



Accreditation Scheme

Going the extra mile

Many Tower Hamlets Landlords are now accredited, but if you are not accredited - register for the one day course now. Tower Hamlets will refund your fees for this accreditation course when you register your property with the Housing Options Team. If you are interested speak to Noella or Geoff on **020 7364 3558** or visit www.londonlandlords.org.uk/accreditation/home

DATES FOR YOUR DIARIES 2012

Landlords Forum

Wednesday 22 February 2012

Accreditation Courses

Wednesday 7 March 2012



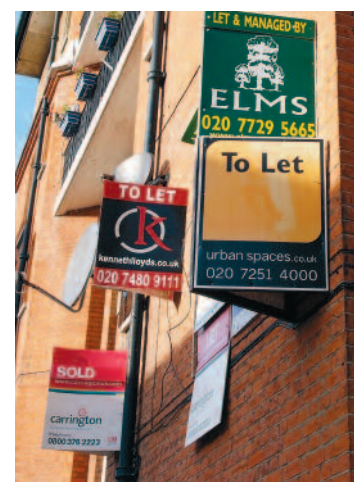
Calling All Landlords

We have families waiting for properties.

We currently pay an incentive.

Do you have an empty property?

Don't delay please call Malcolm Jones on 020 7364 7343



Send your letters, ideas and comments and we will publish them in our newsletter.

How would you like to see the Landlords Forum develop and what you would like to see in the newsletter?

Please email, write or call us.

WE WANT TO HEAR FROM YOU!



Landlords Update

Newsletter of Tower Hamlets Landlords Forum. Building a better future for both landlords and tenants!

FORUM REPORT



Thank you to all the Landlords and Agents who attended the Tower Hamlets Landlords Forum on 12 October 2011.

A special thank you to Clive Buckman who despite concerns about the radical reforms to the Welfare Benefit System reassured all that the council is working with landlords and tenants to cope with the changes.

Housing Benefit will be paid direct to landlord under the following circumstances

Where the tenant:

- Has deductions being made from Income Support and Jobseekers Allowance
- Is in 8 weeks rent arrears
- Has difficulty managing finances (incapacity)
- Is unlikely to pay the rent (may have other debts)
- Where the tenancy is set up by the council as a homeless prevention

Or where rent has been reduced to an affordable level in order to enable the tenant to retain or secure a tenancy.

For existing Tenancies – evidence of rent reduction must be seen - variation of tenancy agreement, tenancy renewed at a lower rate of rent.

An acknowledgment to Nikki Cottrell, from Real Lettings who addressed the Forum.

Real Lettings, a leading London based homelessness charity, provides a comprehensive housing service to people with a history of homelessness to secure good quality and affordable accommodation. Tenants are all individually assessed on paper and in person.

Nikki told the Forum "We're not afraid to say 'not yet' to someone we feel isn't able to live independently".

The housing services include:

- 6 months focussed resettlement support
- Ongoing support throughout the tenancy
- Good Neighbour Scheme

If you would like more information, please contact Nikki.

Email: reallettings@reallettings.com

Tel: 020 7710 0660

www.twitter.com/reallettings

www.facebook.com/reallettings

Noella and her team wish you all a Happy New Year and look forward to seeing you at the next Forum.



Welfare Reform

How will this affect your tenants?

I'm sure that you all have a pretty good idea about the changes to Local Housing Allowance (LHA) introduced in April 2011:

The £400 cap on four or more bedrooms, the reduction of housing benefit and council tax for families who have adults other than their partner living with them, because of the increase to the non dependent charges.

From April 2012 further changes will be introduced

- Total Benefit cap (£26,000).
- The changes will also affect social sector tenants whose properties are under occupied.
- Claimants moving in or out of work will migrate to Universal Credit.

Looking ahead to 2017

All recipients of Income Support, Job Seekers Allowance, Working Tax Credit, Council Tax and Housing Benefit migrate to Universal Credit will be administered by Department of work and pension (DWP).

If you would like to know more, then book your place now for next Landlords Forum on 22 February 2012.

Clive Buckman our Housing Benefit expert, will be there to answer your questions.

Tower Hamlets Council Tax to be frozen again

says Mayor Lutfur Rahman

Council tax in Tower Hamlets is to be frozen for the year 2012-13.

This will be the third year in a row that council tax has been frozen in the borough.

In proposals to be discussed over the coming months and verified at the February/March 2012 council meeting, council officers have been asked to prepare financial plans that do not include a council tax rise. This is in line with recent local practice and government policy.

Mayor Lutfur Rahman said: "In these austere times our residents are finding

it more and more difficult to pay basic household bills. We as a council must do every thing to help. Freezing council tax this year is one way we can leave more money in our residents' pockets".



FRAUDSTER FOUND OUT

A Wapping homeowner who claimed he had no where to live in order to access accommodation and benefits was found guilty.

Abu Bakkar of Maddocks House, Shadwell, owns a property at Solander Gardens which he rents out to tenants. He attended Thames Magistrates' Court on Friday 7 October and was found guilty of making fraudulent claims on homelessness, housing list and council tax benefit application forms.

The fraudulent applications were made in February 2011. Tower Hamlets Council was

alerted to the crime by the routine checks it carries out and brought charges against Bakkar.

The Justices sentenced Bakkar to a fine of £400 and he was ordered to pay prosecution costs of £1,105

To report housing cheats call the council free on:

0800 528 0294

or email
anti-fraud
@towerhamlets.gov.uk



Planning Permission

Would you like to develop land or property within the borough and need advice before you apply for planning permission?

The Planning Office offer a range of pre-application advice services to suit your development needs. Our advice note "Pre-application advice for applicants" explains what approvals you may need and provides information on how to get help in designing your scheme and putting together your application.

The council's planning department provides a range of information and services about development in the

borough, both to companies and residents. The council can advise on requirements for planning permission, planning fees and the appeals process.

How to contact us

The Planning Office
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 2BE

Tel: 020 7364 5009
Fax: 020 7364 5415

Email: planningandbuilding@towerhamlets.gov.uk



The National Landlords Association (NLA)

The NLA is the leading association for private residential landlords in the UK. It can:

- Help landlords make a success of their lettings by offering ongoing support to deal with landlord related matters.

- Represent members' views and interests at local, national and European level.
- Provide access to an exclusive range of discounted products and services to member landlords.

Members range from full-time landlords with large property portfolios to those with just a single letting.

If you would like to join, please go to:
<http://www.landlords.org.uk>

Tenancy Deposit

The Tenancy Deposit Regulations 2007 state that if a Landlord does not protect the deposit when required, he can be taken to Court by a tenant, who can seek not only for the deposit to be repaid but possibly even three times that amount.

Landlords should advise their tenant of this scheme operator within 14 days of the tenancy start date. In theory the tenant could commence such proceedings if the Landlord did not do so in the given time frame. The more likely scenario is that having been served notice to leave the property at the end of their tenancy, they then discover their deposit has not been protected.

So what could happen if the tenant is advised to apply to court for three times the deposit?

There have been few successful claims but more recently there have been a number of cases that have set different precedents, some in favour, some not in favour of tenants. What follows is a bit of a legal rollercoaster.

In the case of *Tiensia v Vision Enterprises Ltd*, (Nov 2010), it was held that Landlords could protect the deposit up to a day before the Court hearing date. As a result, the hearing date is the relevant date, not the 14 days after the deposit is paid or the date that Court proceedings are

issued. This supported the decision reached previously in *Draycott & Draycott v Hannells Letting Ltd*, (Feb 2010), with the Judge commenting:

“In my judgment, the requirement that there be payment into the Scheme is the initial requirement of the Scheme, and not the requirement that that be done within 14 days.”

But what if a deposit is still unprotected when a tenancy ends?

This could be a common situation where there is a dispute regarding deductions and it is found that all along the deposit was never protected.

In *Shepley v Yassen*, (Jan 2011), the judge ruled in favour of the tenant, as protection after the end of the tenancy was unacceptable:

“If a landlord can put the deposit into protection after the tenancy has ended then it makes a total nonsense of the legislation and almost encourages a “wait and see” attitude. ...leaving aside the legal arguments, to allow monies to be placed with schemes for non-existent tenancies would risk making them unviable as business entities”.

However, as tends to happen, the case of *Hashemi v Gladehurst*, (May 2011) turned the whole issue of tenancy deposit protection upside down. Upon reaching the Court of Appeal it

not only extended the *Tiensia* decision to allow a deposit to be protected after the end of a tenancy it effectively went against *Shepley*, ruling that the tenant could not pursue a claim for the return of a deposit and/or three times the value in the same situation.

This ruling produced a considerable number of negative comments, in particular as it meant that tenants would only have the tenancy period to find out whether they were protected and then take action. The Court dismissed that tenants were now deprived of the dispute resolution mechanisms previously laid down, insisting that the County Courts could still be used as a point of recourse.

Subject to the right conditions however, Judges will rule in the tenant's favour.

In *Suurpere v. Nice*, (July 2011), Ms Suupere successfully claimed in the High Court for three times the deposit. *Tiensia* did not apply as the Court did not receive the relevant information regarding the late protection of the deposit, and *Hashemi* did not apply as the tenancy had not expired.

There are still many outstanding issues and grey areas; in particular the vulnerability of a tenant after the ruling in the *Hashemi* case. The Government has commented that the issue will be addressed.

In brief, the amendments are as follows:

- Increase the time limit for protection of received deposits, and notification of protection, from 14 days of receipt to 30 days.
- Provide clarity in relation to a landlord's obligation to protect deposits, separate from the requirements stated in individual scheme rules.
- Clarify the rules relating to tenancies which have come to an end*
- Allow courts to use discretion in relation to imposing financial penalties for non-protection. In future judges will be permitted to award penalty payments ranging from an amount ‘not less than the amount of deposit’ to three times the deposit amount.
- Amend rules preventing non-compliant landlords from issuing s21 notices. In the future such landlords will be able to serve a s21 notice if the deposit has been returned (either in full or minus agreed deductions), or if matters have been settled by a county court.

*In circumstances whereby the tenancy in question has come to an end, a tenant will be able to make an application to county court in relation to non-protection of a relevant deposit. However, the court will be limited to ordering the repayment of the original deposit. ie. no additional penalty may be applied.

Top Tips

Produced by the department of Communities and Local Government August 2011

These tips are for landlords who have let or who intend to let a property on an **assured shorthold tenancy**.

Your tenant is likely to have an assured shorthold tenancy if:

- You are a private landlord
- The tenancy began on or after 28 February 1997
- The house or flat is let as separate accommodation and is your tenant's main home.

If you are not sure what sort of tenancy your tenant has, see the sources of further information at the bottom of this newsletter.

DO:

Look for the SAFE kitemark

If you are using an agent – all SAFE agents have client money protection and your money will be protected if the agent goes out of business.



Ask whether the agent is a member of a professional body such as the Royal Institution of Chartered Surveyors, the Association of Residential Letting Agents, the National Approved Lettings Scheme or the Property Ombudsman.

Agents who belong to such organisations have to sign up to certain standards of practice and you will have access to an independent complaints procedure should things go wrong.

Have a written agreement with your agent so it is clear what responsibilities the agent is carrying out on your behalf.



Inform your mortgage company and insurer if you intend to rent to someone else a property you previously lived in as owner. There may be restrictions on your mortgage and you may need to amend your insurance cover.

Ask prospective tenants for a reference from a former landlord if possible to reduce your risks.

Use a written tenancy agreement as this will help ensure your tenant knows what they are responsible for, such as who pays utility bills, how long the tenancy is for and arrangements for paying the rent.

Agree an inventory with your tenant at the start of the tenancy. This will make things easier if there is a dispute over the return of the deposit at the end of the tenancy.

Provide contact details to your tenant so that they can get in touch if there are any problems.

Protect your tenant's deposit

in one of the three government authorised Tenancy Deposit Protection schemes.

This is a legal requirement if you use an assured shorthold tenancy agreement.



Provide a gas safety certificate

if there are gas appliances in the property. It is a legal requirement to have an annual gas safety check carried out by a Gas Safe registered engineer and to



provide your tenant with the certificate within 28 days of each annual check.

For more information see the Health and Safety Executive's (HSE) frequently asked questions page:

www.hse.gov.uk/gas/domestic/faqlandlord.htm

or contact its Gas Safety Advice Line on **0800 300 363**

Provide an Energy Performance Certificate (EPC)

This shows the energy performance of the property and must be provided when ever the property is let to a new tenant.



Consider having the electrical installations and equipment checked

There is no legal requirement to have an electrical safety certificate but you do have a duty to keep electrical installations in proper working order and to ensure that any electrical equipment supplied with the property is safe.

Keep the property in good repair

Local authorities have powers to take action against you if the property contains serious health and safety hazards. Health and safety guidance for landlords can be found at:

www.communities.gov.uk/publications/housing/housinghealth



Open plan property kept in good repair

Councilhotlines

Contacting Tower Hamlets made easy

Contact the service you need direct on the following numbers:

- 020 7364 5001 – Housing Benefits
- 020 7364 5002 – Council Tax
- 020 7364 5003 – Parking Services
- 020 7364 5004 – Streetline (including recycling and refuse)
- 020 7364 5007 – Pest and Noise Nuisance
- 020 7364 5008 – Environmental Health, Trading Standards & Licensing
- 020 7364 5009 – Planning and Development
- 020 7364 5010 – Business Rates
- 020 7364 5011 – Recruitment Line
- 020 7364 0872 – Electoral Services
- 020 7364 5016 – Healthline (to find a GP and other health services)

Useful Housing Numbers

- 0800 376 1637 – Housing Repairs (for Tower Hamlets Homes tenants)
- 020 7364 5015 – Tower Hamlets Homes

Report it

If you need to report an incident, use one of our 24-hour freephone numbers:
0800 917 5918 – Anti-Social Behaviour
0800 138 0521 – Hate Crimes

Switchboard

If you know the name of the person you need to speak to or the department you need to contact, call the Switchboard on: 020 7364 5000

General Enquiries

For other council enquiries you can call the General Enquiry line on: 020 7364 5020

Website

www.towerhamlets.gov.uk
Find information and contacts, request services and make payments