

## AGM 24th January 2017

February 2017

The annual general meeting for 2017 was held at the Future Inn Plymouth at 7:30pm on Tuesday 24th January. Including late arrivals, forty members, some with partners attended. The Chairman opened the meeting with a welcome to those present and gave a short resume' of his report which had been circulated with the call in notice. The minutes for the AGM 2016 were accepted and the Vice Chair explained that an objection to agents serving on the committee had been amicably resolved with all concerned. The accounts, prepared by Lamertons accountants and the treasurer were accepted and the treasurer invited any members who desired to do so, to visit the office, to inspect the accounts. As is now the norm, the accounts had been audited by two members volunteered from the floor the preceding year. Dave Hendy assisted by Adrian Saunders had carried out the task and were thanked by the Chairman. Mr Hendy made the following points when addressing the floor; accounts similar to last year, good results with a rise in income but expenditure about the same. Website expenditure was up (new website) but staff costs were down (extra ordinary payment to Alan Shennan (2016) on retirement after 10 years' service). He added that electronic communications had resulted in significant savings in postage and the balance sheet was healthy with a £7K improvement. He concluded by saying that they were a good set of results, all positive, with money in the bank and that buying our own premises had been a great decision. Mr Saunders concurred with all the expressed opinions.

The Chairman and Vice Chairman gave a short presentation outlining expected expenditure and development for the forthcoming and future years. Staff hours and costs are expected to rise, increased membership results in more office telephone/face to face/ email activity. A new 'on line' training facility is being developed and training courses although mostly self-financing require increases in staffing. The Vice Chair reiterated that SWLA was exceedingly good value compared with other similar organisations and were well represented with local authorities in the South West. A proposal to increase the membership subscription from £40 pa to £45 pa with effect from 1st November 2017 was proposed, seconded and accepted unanimously by all present with no abstentions. *Continued*

### AGM

**Differences between Gas Safety Check and a Maintenance Service**

**Greg Yates Retirement**

**Landlord did his own gas work**

**Landlords or Immigration Officers?**

**From April 2017 items in the Planning Bill will be introduced**

**Date for Landlord Blacklists revealed by Minister**

**Right to Rent Check, Landlords responsibilities**

**An article submitted by Jo Lines, MD of Nova Homes**

**Tenants' right to request energy improvements**

**Landlord jailed for not paying fines**

**Landlord prosecution**

**Landlord handed 12 month suspended sentence**

**Charity Prevents Eviction**

**Reminder to Landlords, Check your property regularly**

**Osbourne's attack on buy-to-let Landlords fuels soaring rents**

**Warning over digital tax plan disaster**

## **AGM Continued.**

The Chairman thanked Mrs L Sayer and Mr F Wright for their time served on the committee (both have now retired) and asked any members willing to serve who could bring expertise to the association to contact the office. Current directors and committee members who had served a three year term and had volunteered for a further three years were duly processed. All re-elected T Anderson, S Lees, I Maitland, K Swain, P Stapleton, I Skedd, A Saunders and R Usher. The Vice Chair introduced two members who had volunteered to serve on the committee and gave a brief personal profile. Linda Johns retired PCC PRS manager, steering group chairman and HMO licensing manager. Louise Faulkner former policy officer for Vice Chancellor Plymouth University, member of Plymouth team for national property investors. Both were duly elected unanimously.

The Chairman closed the meeting by reiterating the need for EPC's to meet current and future legislation, and outlined some of the changes to legislation under the 2016 Planning and Housing Bill which would affect landlords of a new tranche of HMOs.

The meeting closed and those present enjoyed a finger buffet, drinks and the opportunity to network.

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## **THE KEY DIFFERENCES BETWEEN A GAS SAFETY CHECK AND A MAINTENANCE SERVICE**

Landlords have legal duties to ensure the safety of their tenants. There is sometimes confusion over gas safety checks/inspections and routine maintenance services. It should NOT be assumed that an annual service inspection meets the safety check requirement, or that a safety check on its own will be sufficient to provide effective maintenance.

**Gas Safety Check or Inspection;**

Landlords have a duty to have a gas safety check carried out annually and a certificate issued to evidence that the gas appliances and flues have been safety tested. There is no such legal duty for homeowners to have their gas appliances safety checked in the same way (unless the property is shared with lodgers, students or live-in staff).

A gas safety check comprises a series of checks as determined in Regulation 26(9) the Gas Safety (Installation and Use) Regulations 1998 which specifies the gas matters to be covered. Whilst these checks satisfy a landlord's responsibility to have an annual safety check carried out, they don't necessarily satisfy the duty to adequately maintain equipment.

**Routine maintenance service;**

A 'maintenance service' or 'annual service' as it is referred to, comprises a different process to a gas safety certificate and is usually prescribed in the specific manufacturer's instructions.

Whilst landlords often ignore a maintenance service (believing only a gas safety check is required), it is more common for homeowners to have an annual maintenance service carried out, despite the fact that there is no legal requirement to do so.

Effective maintenance of appliances usually involves an ongoing programme of regular/periodic inspections, together with any necessary remedial work.

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## Greg Yates (Solicitor) Retirement

Greg was a founder member of the Devon and Cornwall Small Landlords Association over 25 years ago. He has continued to be a member during our several name changes. In the years prior to SWLA purchasing their own offices, Greg's solicitor practice provided office space free of charge for weekly surgeries with on-site legal expertise available if required. During the turbulent period when DCSLA were embroiled in dispute with a former chairman, Greg was a firm supporter offering legal advice, support, encouragement and finally legal representation.

The association and its individual members have received sterling service from Greg over the years. We recognise and thank him for his loyalty, service and commitment to the SWLA and we hope he enjoys his retirement to indulge his love for music!

Howard and Over will continue its support for SWLA members, the new point of contact is Stephen Smith on telephone number 01752 556606.

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## LANDLORD DID HIS OWN GAS WORK

A Plymouth Landlord risked the lives of his tenants and their young family by not undertaking annual gas safety checks on gas appliances in the property. He undertook the work himself and was discovered to have made the works dangerous.

Paul Perry was prosecuted by the Health and Safety Executive (HSE) at Plymouth Crown Court following an investigation.

Inquiries were made when a registered gas engineer went to a tenanted property on St Levan Road in Plymouth in September 2015 to undertake a gas safety check but discovered a gas leak on a gas pipe and reported the incident to HSE.

During the investigation it became clear that the tenant had asked Paul Perry for a copy of the landlord's gas safety certificate earlier in 2015, but Paul Perry had failed to produce it. During the investigation it emerged that Paul Perry had not had a gas safety check done at his tenanted property for at least seven years, despite it being a legal requirement to have the gas safety check undertaken every year to ensure the safety of tenants.

Paul Perry had carried out work on the gas pipe to the cooker at the property despite the fact that he had no training in gas work and was not registered to undertake any gas work. The work that he undertook resulted in a gas leak at the property.

The Registered Gas engineer who reported the landlord's failings was asked to carry out a gas safety check by the Landlord after the Landlord had carried out his own works.

Paul Perry pleaded guilty to two breaches of gas safety regulations. He was sentenced to 10 months in prison, suspended for 15 months, and ordered to pay costs of £4000.

HSE Inspector, Simon Jones said: "Landlords have a legal duty to carry out annual gas safety checks which are there to protect their tenants from death or injury. In this case, Mr Perry ignored a request from his tenant to carry out the checks and to provide a copy of the safety record. He compounded the matter by undertaking gas work himself which he was neither trained nor registered to undertake and which resulted in a gas leak which could have caused a fatal gas explosion."

(Article abridged from HSE)

### **DO NOT BE CAUGHT OUT!!**

SWLA have an online trade directory if you would like to refer to this to locate a Gas Safe Registered engineer; [www.landlordssouthwest.co.uk/tradelisting/](http://www.landlordssouthwest.co.uk/tradelisting/)

## Landlords or Immigration Officers?

Since Right to Rent legislation came into force on the 1st February 2016 only 31 illegal immigrants have been removed from the UK as a result of these checks now made by all landlords and letting agents. However, from the 1st December 2016, under

The Immigration Act 2016, a new maximum criminal sentence of 5 years imprisonment for landlords or agents who fail to carry out Right to Rent checks or remove illegal migrants from their property was introduced. The Minister of State for Immigration,

Robert Goodwill, confirmed data on Right to Rent statistics was no longer routinely collected as it would now be too expensive to do so. Figures from the House of Lords revealed that in the first 9 months of the new legislation only 75 civil penalties were issued to landlords of tenants with no Right to Rent. Right to Rent checks identified to the Home Office that 654 private tenants that had no right to stay in the UK and only 31 were deported. The Immigration Act 2016 was designed to crack down on illegal migration by making it more difficult for illegal immigrants to work, rent property and receive support in the UK. As part of several new sanctions, it also puts even more pressure on landlords to make sure tenants have the right to rent, and increases the penalties for those who fail to do so. Since February 2016, landlords have been required to check the immigration status of their tenants under 'Right to Rent' legislation. Landlords will continue to be liable for fines of up to £3,000 per tenant where right to rent checks have not been properly carried out. However, the new law also allows for landlords to face criminal fines or up to five years in prison.

*(Article abridged from Property 118.com)*

You can read more on the Government Website;

<https://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice>

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# **As from April 2017, items in the Planning Bill will be introduced**

## **Mandatory Licensing of Houses in Multiple Occupation**

The Government is proposing to increase the number of properties that fall within the need to obtain a licence under the mandatory scheme. Currently it is only properties that have 5 or more occupiers and 3 or more floors. Next year the scheme is likely to be extended to nearly all properties that have 5 or more unrelated occupiers sharing. As well as two storey properties, flats that are in multiple occupation are likely to be included. There will probably be a 3 month period of grace to get applications in after which it will be an offence to let such a property without first obtaining a licence.

## **Civil Penalties and Rent Repayment Orders**

From April 2017 local authorities will be able to issue financial penalties as an alternative to prosecution where housing offences have been committed. The maximum fine that can be issued in this way will be £30,000. Landlords and agents will be able to appeal to the First Tier Tribunal if they are issued with a fine.

Rent repayment orders already exist for offences in relation to failing to licence a property. It is proposed that the number of offences where rent can be recovered from the landlord is increased to include failing to comply with statutory notices, harassment, illegal eviction and breach of a banning order.

## **Banning Orders**

Where landlords or agents continually fail to meet required standards or comply with the law the local authority will be able to apply to the First Tier Tribunal for a banning order. This will prevent the landlord or agent from operating in the sector at all for a minimum of 12 months. The Government is also proposing to create a national database of 'rogue' landlords. Please refer to the SWLA website for the latest news on the Planning Bill as it happens, there will be more information to come.....

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## **Date for Landlord Blacklists Revealed By Minister**

An official blacklist of bad landlords and letting agents will be introduced by the government from 1st October 2017. The database will cover property people who are convicted of housing offences in England. These are mainly aimed at landlords with houses in multiple occupation (HMOs) who are found guilty of running a home without a licence and safety offences. The scope of the database may be widened to include letting agents who charge fees to tenants once a ban comes into force – no date has yet been suggested for this. The timetable for the blacklist was revealed by Under Secretary of State at the Department for Communities and Local Government Lord Bourne in response to a written question in the Lords from Baroness Greener, who asked whether letting agents would be blacklisted for charging fees. She is sponsoring the Renters Rights Bill that proposed the letting agent fee ban before the details were announced by Chancellor Philip Hammond in his Autumn Statement 2016. Bourne told her that the government is still considering which offences to criminalise for recording on the black list.

*(Article abridged from The Guild of Residential Landlords)*

# RIGHT TO RENT CHECK, LANDLORDS RESPONSIBILITIES

Since 1st February 2016, for all new tenancy agreements, you must check that a tenant or lodger can legally rent your residential property in England.

Before the start of a new tenancy, you must check all tenants aged 18 and over, even if:

- they're not named on the tenancy agreement
- there's no tenancy agreement
- the tenancy agreement isn't in writing

Check all new tenants. It's against the law to only check people you think aren't British citizens.

If the tenant is only allowed to stay in the UK for a limited time, you need to do the check in the 28 days before the start of the tenancy.

### How to Make a Right to Rent check

1. Check adult tenant(s) will live in the property as their only or main home
2. Ask tenant(s) for the original document(s) that show they have the right to be in the UK
3. Check the documents are valid with the tenant present
4. Make and keep copies of the documents and record the date you made the check Landlords who don't make the checks could be fined up to £3,000 if they rent out a property to someone who's in the UK illegally.

### Immigration Act 2016, Residential Tenancy Measures

The Home Secretary announced on 4 October 2016 that provisions in the 2016 Immigration Act relevant to the private rented sector will be brought into force across England. As of 1st December 2016, two further measures came into force.

They do the following;

- Make it easier for private landlords to evict illegal migrant tenants.
- Create new criminal offences for rogue landlords and agents who knowingly, or with reasonable cause to believe, let to illegal migrants.

The measures demonstrate the Government's commitment to tackle illegal immigration, and its determination to take the necessary steps to protect public services and access to the private rented sector for our lawful residents.

#### Key Points

- As of 1st December 2016, landlords could be charged with a criminal offence if they know, or have reasonable cause to believe, that they are letting to an illegal migrant.
- From 1st December 2016 landlords can end tenancies for occupants with no right to rent.
- For details of these specific measures, please visit the Residential Tenancies fact-sheet available on Gov.uk
- For information on the wider Immigration Act measures, please visit the Immigration Act page on Gov.uk

### RIGHT TO RENT, HAS IT BEEN SUCCESSFUL SO FAR?

In its first year, 31 people have been deported. 75 civic penalties have been issued. Government figures reveal 7,806 calls were made to the Home Office Helpline between July 1st 2015 and June 30th 2016 by Landlords requesting assistance. It has been revealed that 654 people were involved in investigations or named on documents relating to Right to Rent penalties. This legislation affects an estimated 2.2 million landlords.

## **An Article Submitted by Jo Lines, Managing Director of Nova Homes**

During 2016 the lettings industry has been unfairly targeted with the government announcing a number of changes to legislation bringing tax implications for landlords. Below are just a few of the current issues effecting landlords and property markets.

### Section 24 Tax relief for mortgage interest payments

The amount of tax relief that can be claimed by Landlords on their mortgage interest payments is set to reduce from 45% to the basic rate tax rate of 20%. This is due to be phased in over a period of 4 years from April 2017. It starts with 75% of costs deductible from income 2017, 50% from April 2018, 25% from April 2019 and 0% from April 2020. At the same time the percentage of basic rate tax reduction will also increase starting April 2017 to 25%, 50% in April 2018, 75% in 2019 and 100% in 2020 thus pushing a lot of smaller landlords with one or two properties into the higher tax band.

The changes will:

- affect you if you let residential properties as an individual, or in a partnership or trust
- change how you receive relief for mortgage interest and other finance costs
- be gradually introduced over 4 years from April 2017

Finance costs won't be taken into account to work out taxable property profits. Instead, once the Income Tax on property profits and any other income sources has been assessed, your Income Tax liability will be reduced by a basic rate 'tax reduction'. For most landlords, this will be the basic rate value of the finance costs.

All residential landlords with finance costs will be affected, although not everyone will pay more tax.

Those unaffected:

- UK resident company
- Non UK resident companies
- Landlords of furnished holiday lets

Everyone's tax situation will be different, we advise speaking to your accountant to see how this will impact you personally.

### BTL Mortgages - Stress Testing

For new and re-mortgage Buy To Let (BTL) products, lenders are tightening their criteria with regards to affordability and being able to stress-test income from properties to ensure that the Landlord is able to cover the repayments with the income received



the property. The stress testing applied varies by lender and we recommend you seek professional financial advice.

With current mortgage rates starting from under 1% and some great interest only options now is a fantastic time to review this.

## Autumn Statement

In the Autumn Statement it was announced that the Government were looking at introducing an outright ban on letting agency fees to tenants. There are currently no details of how and when this is to be implemented and what they classify as fees for tenants, we eagerly await further clarification of this from the Government.

## Stamp Duty

Since 1st April 2016 the Government introduced a new surcharge for anyone who buys an additional property, i.e. second home or investment property. The stamp duty rate for these properties are an additional 3% on top of the standard stamp duty rate. This new rate also applies if you own a property abroad and you are buying your first property in the UK.

For example, if you are buying an additional property with a purchase price of £300,000, just the extra 3% Stamp Duty would equate to £9,000 (3% of the entire price). This is in addition to the £5,000 regular Stamp Duty bill on a property of this value, bringing the total payable to £14,000.

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# Tenants' Right to Request Energy Improvements

Since 1st April 2016, tenants have had the right to request consent from their landlords to make energy-saving improvements.

Landlords will not be able to refuse their consent without good reason, but tenants will need to ensure that they have a way of funding improvements at no cost to the landlord (unless otherwise agreed). It was originally expected that the Green Deal Finance

Company, which was closed down in July 2016, would provide much of the funding for this initiative.

Making these improvements can be beneficial to both tenants and landlords, saving on costs and having a positive impact on the environment. Here are a few questions that may be raised;

Will there be upfront costs for landlords?

No, although a landlord can CHOOSE to part fund if they wish. It is the sole responsibility of the tenant making the request to organise funding and they should do this before making the request to the landlord.

Where could the funding come from?

- The Energy Company Obligation
- Central or Local Authority Funding or third party funding such as a grant
- A Green Deal Finance Plan (or future equivalent as the Green Deal is currently closed)
- Tenant funding where the tenant pays the upfront costs themselves, this option can be combined with the options above.

How would the tenant apply? – Once the source of funding can be proven, the tenant needs to identify what improvements they would like to make from a list of approved measures. This would be presented to the landlord in writing with the relevant information.

How would the landlord respond? – Check that the request is valid, the landlords written response must be within one month.

Include consent or reasons for refusal of consent of some or all measures proposed. You can make a counter proposal there and then in the letter OR advise that you will be in contact soon with a counter proposal. The counter proposal gives the landlord up to a further 3 months to provide a suitable counter proposal. Only the initial response needs to be actioned within one month of the initial request.

The landlord cannot 'unreasonably refuse consent' so on what grounds can a Landlord refuse? –

- If there was a previous request from any tenant in same property within the last six months that has already been dealt with
- If there is a relevant HHSRS (Housing Health and Safety Rating System) notice on the property
- If an expert advises improvement may damage fabric or structure of the property (for wall insulation requests only)
- If a tenant refused consent for same improvements within the last six months
- If third party consent is required for the requested improvements but this consent cannot be obtained (e.g. planning permission or consent from mortgage lender)
- If the improvements will result in a reduction of the market value of the property of more than 5%

## Landlord Jailed for Not Paying Fines

A rogue landlord has been issued with a Criminal Behaviour Order to stop him from renting out properties in only the second case of its kind. Mark Thorogood, 50, pleaded guilty to four cases of breaching prohibition orders on two of his properties on 8 December 2016 at Llandudno Magistrates Court. He was fined £3,000 for each case, and ordered to pay £400 costs and a £170 victim surcharge, totalling £12,570. A Criminal Behaviour Order was granted for a period of two years, to stop him from renting out his properties and making it a criminal offence if the CBO is breached. The only other case where a CBO has been issued against a landlord was in Wolverhampton in April 2016. Mr Thorogood was also committed to custody for 365 days for failure to pay fines and costs of previous prosecutions totalling £38,500 brought by Conwy Council about the condition of his properties. Thorogood was ordered by the court to start making payments from 8 December next year at the rate of £100 per month. Cllr Philip Evans, Conwy's cabinet member for regulation said: 'It's a Council priority that people in Conwy should be able to live in safe and appropriate housing. This result should send a clear message to landlords that unsatisfactory conditions will not be tolerated.'

*(Article abridged from Environmental Health News)*

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## **Landlord Prosecution**

Bristol City Council has successfully prosecuted a private landlord, and the company where he is currently a director, for two separate cases of letting properties in a substandard condition. Following an investigation by Bristol City Council, MB Estate Ltd and Munjit Singh Dulay a director of MB Estate Ltd, were found guilty at Bristol Magistrates Court and ordered to pay total fines and costs of more than £5,500. In the first case officers from the council visited 7, Filton Grove, Horfield after complaints from the tenant that the hot water tap in the bathroom was not working and the toilet did not work properly. The council told the landlord MB Estate Ltd to make the necessary repairs. A visit in May 2016 identified that MB Estate Ltd had failed to carry out the works or respond to the council's requests. The case was brought before the magistrates, and in their absence, the company was found guilty and fined £1,500, ordered to pay the council's costs of £1,500 and a victim surcharge of £150. In the second case the landlord, Munjit Singh Dulay, who is also the director of MB Estate Ltd was found guilty, again in his absence, for failing to carry out works to prevent damage to a neighbouring property. In November 2015 officers from the council visited 185c to 187 Cheltenham Road after a complaint from a neighbour that there was severe penetrating dampness affecting their property. An investigation found that a shower cubicle on the ground floor was leaking water that was soaking through the wall and causing the dampness. Munjit Singh Dulay failed to cooperate resulting in a Legal Notice being served under Section 80 of the Environmental Protection Act 1990 requiring works to be completed to abate a statutory nuisance. In May 2016 the officers visited and found none of the works had been completed so the case was recommended for prosecution and the court found Munjit Singh Dulay guilty in his absence and fined him £1,000, and ordered him to pay council's costs of £1,623 and a victim surcharge of £100. *(Article abridged from Bristol City Newsroom)*

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## **Landlord Handed 12 Month Suspended Sentence**

A Manchester landlord has been ordered to serve a 12-month jail sentence, suspended for two years, with 200 hours unpaid work and told to pay £11,025 costs after fire officers found numerous dangerous features to a property under his ownership. A fire safety officer came upon Mr Karamat Hussain's property by chance, uncovering a series of safety issues including a broken fire alarm, a lack of effective fire doors, empty extinguishers used as doorstops, holes in roofs, a ceiling comprised of plastic sheeting, plus mattresses and boxes blocking fire exits. Mr Hussain was also not able to produce a fire risk assessment - although he says he paid £700 to have one done, reports the Manchester Evening News. Prosecutor Julian King told Hussain's sentencing hearing that a fire safety officer was passing the building in July 2015 when he saw a young child at the window and became concerned for their safety. He entered the building, discovered the dangerous problems and returned 12 times over a 14-month period in an attempt to bring the building up to scratch. Despite being served an enforcement notice within weeks of the first visit, the building was still not up to standard when the fire safety officer returned earlier this year. Mr King, prosecuting, said Hussain's 'flagrant disregard' and 'cost-cutting' meant residents 'would have little opportunity to escape should the worst happen' and so were at risk of 'death or serious injury'. Sentencing, Judge Field told Hussain there was 'deliberate cost-cutting', and that this and his previous record revealed his 'tendency to disregard the law relating to the safety of others'. "You have placed your tenants, their children and any visitors to the premises at risk of death or serious injury in case of fire", Judge Field added. *(Article abridged from FIA, originally from Manchester Evening News).*

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## **Charity Prevents Eviction**

An unemployed tenant was threatened with eviction until a charity stepped in to warn the landlord he was breaking the law. The Plymouth branch of Shelter has revealed details of a case which shows the importance of knowing your rights when it comes to renting. Service manager Vicki Sampson said the tenant, who does not want to be named, has an assured shorthold tenancy for a room in a shared house. He was working when he moved in but lost his job shortly after. "The client made an immediate claim for benefits whilst he sought alternative employment, but his benefit claim took several weeks to process, during which time some rent arrears accrued," Mrs Sampson said. "Despite the landlord being kept up to date by the tenant, who had informed him the arrears would be cleared upon receipt of his benefit payment, the landlord told him last week that he had to leave the property within seven days." The tenant approached Shelter for advice, and was told the landlord would need to give more notice and provide a court order. Last week he told the charity the landlord had been sending him text messages saying his belongings would be removed if he did not leave. "We made contact with the landlord by phone and letter warning him that he needed to follow the correct legal procedure to end the tenancy, and any action to remove our client or his belongings from the property would be deemed an illegal eviction," Mrs Sampson said. "It was highlighted that legal action, including an application for an injunction and compensation, could be taken if he carried out these threats. The landlord did not follow through on his threats and the tenant was not evicted from the property." *(Article abridged from the Plymouth Herald)*

Landlords who attend SWLA accreditation courses know their responsibilities

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## **A Reminder to Landlords, Check Your Property Regularly**

A landlady who faces a huge repair bill has warned others to make sure they check their rented properties in person after police discovered a cannabis farm in Keyham. The discovery came after a young man, believed to be Vietnamese, was found in Devonport Road suffering facial injuries. Unable to speak English, PCSOs took him to a police station. Further investigation led police to three properties in the city. At the first – 77 Townshend Avenue – police found around 400 cannabis plants and a sophisticated set up. At a second, in Paradise Road, Devonport, police found a two-bedroomed flat which appeared to have been abandoned in haste, while a third address in Kensington Road led them to an elderly woman who was unconnected with the youth. Helen Jenkins, who owns the property at 77 Townshend Avenue, said she rented the two-bedroomed house to a woman called Julia Hee Soo in May 2012. Helen, aged 65, said she only ever met Julia's brother who came to look at the property on her behalf. Helen said: "He spoke good English, seemed very professional and smart. He wore a beautiful suit. I only ever spoke to Julia over the phone. She said she worked at the college and paid regularly, once a month, into my account." Helen said she employed a gas fitter to install a new cooker in the property around March 2016 and afterwards received a grateful call from Julie. Around the same time, the gas fitter checked the boiler (housed in the basement) as per landlord regulations. There were no signs of a female occupant at the address. Helen said "I've got several places in Exmouth, Exeter and Plymouth and in the last few years I've used agents to do the checks for me, but some of the older ones I haven't." Police informed Helen the cannabis growers had dumped used soil under her floorboards in her living room as well as in the recesses of the loft. Hundreds of full pots have been left in the different growing rooms along with wiring, foil sheeting, lights and ducting. Police had to call in electricians from Western Power after discovering the criminals had tapped into the property's electric mains. The criminals appear to have cut through ceilings and floors to allow ducting to run from cellar, through the ground and first floor rooms to the loft. Helen said: "It's clear they [the cannabis growers] have been able to do this because I haven't made checks. My advice to other landlords is you should always check and visit. That's what I should've done. I've now got to get all this fixed up." *(Article abridged from the Plymouth Herald)*

## **Osbourne's Attack on Buy-To-Let Landlords Fuels Soaring Rents**

George Osborne's clampdown on buy-to-let investors will send the cost of rent soaring for tenants, according to a report released in December 2016. With many families and young workers struggling to get on the housing ladder due to rising prices, the shortage of available homes to rent has already pushed up rental prices at a time of booming demand. Tenants in London face a 25 per cent increase in rents over the next five years while the average rise across the rest of the country is expected to be 19 per cent. That would push the average rent in the capital up from £1,452 a month now to £1,815 in 2021 – adding £363 a month to the bill. The average rent nationwide would rise by £123.50 to £773.50 a month, estate agents Savills revealed. The company suggested rents are being pushed up by an attack on landlords from the former chancellor, who was sacked by Theresa May after the EU referendum. Mr Osborne introduced a three percentage point increase in stamp duty for landlords and second home owners in April last year. The changes pushed the tax bill on a £200,000 home up from £1,500 to £7,500 – a five-fold increase. They also added an extra £45,000 in tax to buy a £1.5million home, pushing up the stamp duty bill from £93,750 to £138,750. The stamp duty surcharge triggered a stampede of sales in March last year as buy-to-let landlords rushed to complete their purchases before the new taxes came in.

Landlords will be hit again this year as high earners are stripped of a tax break that lets them deduct the cost of their mortgage interest from what they owe HM Revenue and Customs each year. The changes will be phased in between 2017 and 2021. David Cox, managing director of the Association of Residential Letting Agents, has described the tax raid as 'an outright assault' on Britain's buy-to-let landlords. Lucian Cook, director of residential research at Savills, said the changes have put off many buy-to-let investors, leading to a shortage of rental properties on the market. It is also feared that landlords are pushing on the higher cost of doing business to their tenants in the form of higher rents.

Figures last month from the Bank of England showed demand for buy-to-let mortgages had 'decreased significantly' in recent months. The slump in demand for buy-to-let lending in the third quarter of the year was the biggest recorded by the Bank since it started reporting the data in 2007. *(Article abridged from the Mail Online)*

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## **Warning over Digital Tax Plan Disaster**

The Government's ambitious Making Tax Digital (MTD) tax plans risk becoming a 'disaster' according to the treasury select committee. The proposals outline plans to digitise the way in which landlords pay tax and would see them required to use special software or apps to keep their business records, updating HMRC quarterly. Making Tax Digital was due to be phased in from this year. The current plan is to start quarterly reporting from April 2018 for landlords and self-employed. However the Treasury Select Committee has warned it has found 'serious shortcomings' within the proposals – warning reforms are being introduced too quickly and without quality consultation. Treasury committee chairman Andrew Tyrie said: Without sufficient care, MTD could be a disaster. "Implemented carefully, with long transitional arrangements where necessary, and, having drawn on information from fully inclusive pilots, Making Tax Digital could be designed for the benefit both of the economy and of the tax yield. But with a rushed introduction, it will benefit neither." He added: "The collateral damage could be large. If the Government gets it wrong, the culture of mutual trust and goodwill between HMRC and the vast majority of taxpayers – which still exists in the UK and which helps to keep the tax gap down – could be jeopardised." He concluded the Government must now change its approach. *(Article abridged from RLA News).*

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# SWLA

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