

AGM 2016

February 2016

The Annual General Meeting of the South West Landlords Association was held at the Future Inn, Plymouth on 26th January 2016. The evening was marred by high winds, torrential rain and low temperatures. In spite of the adverse weather conditions there was a good turnout of members. Almost 50 landlords braved the elements to attend.

The Chairman welcomed all and gave a brief resume of his previously distributed annual report. The Treasurer presented the financial report and this together with the financial statement was accepted. The Treasurer declared the Association to be thriving and in a sound financial state.

The Vice Chairman thanked the office staff for their sterling work over the past 12 months resulting in increased membership and more training courses being held. He added that Plymouth City Council had agreed a matched funding offer to provide on-line landlord training via SWLA web-site. Monies coming from a Government Rogue Landlord Fund.

Following the completion of items on the agenda (including auditors for next year and new Committee Members), the Chairman outlined the Associations program for the forthcoming year.

A new web-site with additional members' areas, training areas and a trade area was under development. Priority would again be given to training and providing details of the many legislation changes. New or revised documentation was being produced. He ended by reiterating an item from the Chairman's Report regarding the Government's war on landlords via increased taxation and loss of allowances. He urged all landlords to contact their constituency Members of Parliament to voice concerns. Following the end of business those present were able to network while enjoying a finger buffet. Election of Officers for the year 2016/2017 was undertaken at first Committee meeting after AGM.

Chairman - S Lees, Vice Chairman – I Maitland
Treasurer – Mrs K Swain Company Secretary – A Saunders.

AGM 2016

Welcome to 2016

**New Benefit to members
Trago2Business Card**

**New Restrictions on "no
fault" evictions**

Right to Rent Introduced

**The Season of
Condensation and Mould is
upon us!**

**A free service alerting
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**Removing Rogue
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**Upcoming Training
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**Landlords Encouraged to
Help Eliminate Cannabis
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**Smoke & CO Alarms now
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**How the High Rate Stamp
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Welcome to 2016

There is little doubt that 2015 ended on a bit of a low for landlords in the private rented sector. While landlords were still reeling from the announcement in the Summer budget that mortgage interest relief will gradually be removed in its current form from 2017-2020, in November, another blow to landlords was announced in the Autumn Statement – the 3% surcharge on SDLT (stamp duty land tax) for people purchasing a buy-to-let from April 2016. Finally in December, the Governor of the Bank of England indicated that he too intends to take action to restrain buy-to-let.

Exactly how these changes will affect the residential housing market and the private rented sector in 2016 is still unclear. Some landlords have indicated that they will sell some or their entire portfolio over the next few years and there is no doubt that for those landlords who intend to stay in the sector things have just become harder. For a number of landlords with Buy-to-Let mortgages the issue may no longer be how much profit will I make this year, but will I make any profit at all by 2020, and if my business is going to lose money, what should I do about it? Professional standards by landlords are likely to be vital for the private rental sector's future in the new landscape that the Government is setting out for landlords. Tenant vetting and thorough referencing will give landlords the best possible chance of securing a good tenant and landlords will need to comply with the Right to Rent legislation that will affect all tenancies in England from 1st February 2016.

SWLA along with national landlord associations' message to Government to focus on enforcement action against criminal landlords seems to be finally getting through. The Government has recently announced a £5 million Government fund to help local authorities crack down on rogue landlords who let poorly maintained homes. SWLA is to receive some money from this fund via Plymouth City Council to develop the on-line training area of our website, as an initiative to encourage and promote responsible landlords.

Insurance

When your insurance on your rental property is due for annual renewal, please obtain a quote from BOTH our preferred insurance companies to ensure you get the best cover at a competitive cost.

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Batemans Group Landlords Direct – 01926 405882

New Benefit to members – Trago2Business Card

Trago2Business is offering a trade discount card to the South West Landlords' Association membership, providing a 15% discount on purchases (with some specific exemptions-white goods and appliances and items already on special offer or during the January sale) made within store and free delivery on most bulky items or for purchases over £1000 within Cornwall, Devon & Somerset.

Trago2Business is the Contract Supplies Division of the Trago Mills group of companies. Trago Mills was established over 50 years ago and has regional shopping centres, in Liskeard, Falmouth and Newton Abbot.

Trago2Business is offering a Business Account Card as a benefit to members of South West Landlords' Association. The card can be used at any of their stores, giving immediate discount on purchases (with some exceptions).

Free delivery on most bulky items (excluding paint to avoid spillages and very heavy items such as bulk paving stones) or purchases over the value of £1,000, adding another great benefit to Business Account Cardholders.

To obtain a Business Account Card please email the address below giving your name, your SWLA Membership Number, contact address, phone number and email address:

sales@trago2business.co.uk or apply by post to Trago2Business, Twowatersfoot, Liskeard, Cornwall PL14 6HY.

Trago will then confirm with SWLA to ensure that the person contacting them is actually a SWLA Member. If you are an existing Trago2Business card holder you can upgrade to a SWLA card if it provides a better discount than you are already achieving.

MyDeposits – New Contact Details

MyDeposits have moved, their new contact details are – MyDeposits, 1st Floor, Elstree Way, Borehamwood, Hertfordshire WD6 1JH. Telephone number 0333 321 9401.

New Restrictions on “no fault” evictions

At the beginning of October, new legislation came into force to protect tenants against so called retaliatory evictions from landlords in England using the “no fault” Section 21 procedure. To ensure landlords do not evict tenants who have complained about a problem with the condition of a property there is now a new prescribed form for using a section 21, Form 6A, and new obligations on landlords. If landlords do not comply with these obligations, tenants will have a defence against a Section 21 notice. This new form must be used for all tenancies starting on or after 1st October 2015. Under the Deregulation Act 2015, when a tenant makes a complaint about the condition of their property that has not been addressed by the landlord and the local authority has served either an improvement notice or a notice of emergency remedial action, a landlord will not be able to use the Section 21 procedure to evict the tenant for six months. The landlord will also be required to ensure the repairs are completed.

The new rules require landlords to provide tenants at the START of the tenancy with an Energy Performance Certificate, a Gas Safety Certificate and a copy of the Governments new How To Rent Guide. If these documents have not been supplied the landlord cannot serve the Section 21 notice.

Following these new rules the Department for Communities and Local Government (DCLG) have clarified landlords’ specific responsibilities to providing Energy Performance Certificates (EPCs).

The DCLG have confirmed that a landlord of a house in multiple occupation (HMO) regardless of when the property was let or a landlord of any property rented prior to 1st October 2008 does not need an EPC. DCLG stated that a landlord that falls into the categories above and has not provided an EPC will not be prevented from serving a Section 21 notice. The department also clarified that with regard to Gas Safety Certificates, the requirement is to provide a copy of the current Gas Safety Certificate.

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Right to Rent Introduced

From 1st February 2016, all landlords in England will have to check that a tenant or lodger can legally rent.

Guidelines for making a check;

Check which adults will live in the property as their main home.

See original documentation that allows the tenant(s) to live in the United Kingdom.

You will need to check that:

The documents belong to your tenant and are original

The dates for rights to stay in the UK haven't expired

The photographs in the documentation look like your tenant

The dates of birth are the same in all documentation

The documents haven't been tampered with or are damaged

If there are any name changes, check supporting documents to show why, e.g marriage certificate or divorce decree.

If the tenant is arranging their tenancy from overseas you must see their original documentation prior to them living in your property.

A User Guide to document checks for landlords and tenants can be found at - www.gov.uk/government/publications/right-to-rent-document-checks-a-user-guide

Check the documents are genuine and belong to the tenant

Make copies of the documents and record the date you saw the originals and made the checks. Keep copies of these documents while they are your tenants and for a year after they leave your property.

You can be fined up to £3,000 for renting to someone who isn't permitted to stay in the UK.

You must make further checks on your tenant if their permission to stay in the UK is time limited. You can receive a fine if you don't do this. You must make a further check either, just before the expiry of your tenant's right to stay in the UK or within 12 months of your previous check.

You will not need to make an additional check if your tenant doesn't have any restrictions on their right to stay.

Right to Rent Introduced

You must inform the Home Office if you find out that your tenant no longer has the right to stay and failure to do so may result in a civil penalty.

You can ask agents that manage your property to carry out these checks for you but you should obtain this agreement in writing.

If a tenant sub-lets your property without you knowing, they are responsible for carrying out the checks for any sub-tenants. They will be liable for any civil penalties if they fail to make checks correctly.

There is a guidance document on Illegal immigrants and private rented accommodation. This can be found at www.gov.uk/righttorent

The Season of Condensation and Mould is upon us!

The cold months at the beginning of a new year are when landlords receive calls from their tenants asking them to resolve damp and mould issues in their rented properties. EnviroVent state that 58% of householders say they experience condensation and mould in their homes which is a sign of lack of ventilation. Poor air quality can be a serious health issue and now Section 21 notices cannot be served for six months where tenants have complained about damp and mould conditions at their properties. Simple methods of ventilation such as opening windows do work, although this may not be practical for young families or the elderly who are advised to keep their properties at a constant temperature of between 18C and 21C.

Condensation is usually worse in kitchens where the most moisture is generated. Mould sprays and redecoration are temporary measures and do not tackle the cause of the issue. The only way to prevent condensation and mould growth Phil Harrison at EnviroVent explains is to fit an effective ventilation system. Positive Input Ventilation systems work by drawing fresh, filtered, clean air from the outside and gently ventilating the home from a central position, usually in the loft above a landing in house or in a central hallway in a bungalow or flat. They dilute moisture-laden air, displacing it and replacing it to control humidity levels between 45 and 60% to prevent condensation forming. EnviroVent advises that if ventilation systems are fitted, it is important to explain to tenants how they work and why they are important to prevent issues with mould. Anti-tamper options are also available.

A free service alerting homeowners to fraudsters targeting their properties has attracted subscribers.

The Land Registry state that residential landlords are a high risk group when it comes to property fraud and are encouraging them to sign up to protect against criminal tenants by joining the Property Alert service.

In the past forged documents have been used by criminals to try to take ownership of properties and the Registry said that landlords are particularly at risk, with reports of fraudsters attempting to mortgage or sell properties without the owners' knowledge.

Owners of empty properties, homes without a mortgage and people in the middle of family break-ups or disputes are also among those most at risk.

Once you are signed up to Property Alert you can monitor up to 10 properties. Email alerts are sent when the Land Registry receives certain applications to change the register or for official searches and at this point the person monitoring the property can decide whether the activity is suspicious and whether they need further advice.

Examples include banks lodging searches when no mortgage has been applied for. In this instance homeowners could take legal advice, contact Action Fraud or contact the bank directly.

Since it launched in March 2014 more than 29,000 homeowners have signed up for the service. In a recent case two fraudsters pocketed £50,000 by selling an empty home that they didn't own. Although the fraud was spotted before it was registered the criminals are still at large.

Director of Legal Services at Land Registry Alasdair Lewis said: "Property is usually the most valuable asset people own. It can be sold and mortgaged to raise money and can therefore be an attractive target for fraudsters.

"Property fraud is where fraudsters try to 'steal' your property, most commonly by pretending to be you and selling or mortgaging your property without your knowledge. Since 2009 Land Registry has stopped the registration of fraudulent transactions against properties worth more than £80 million.

“However no system is ever 100 per cent effective in preventing fraud which is why we have introduced several measures home-owners can take to reduce their risk from property fraud.”

Other measures to protect against property fraud include:

Making sure your property is registered. If your property is registered you may be compensated if you are the innocent victim of fraud.

Once registered make sure the Land Registry has up-to-date contact details. The more information they have the easier it will be to reach you if needed.

Have a restriction placed on your property. This means a solicitor or conveyancer would need to certify they were satisfied the person selling or mortgaging the home was the true owner.

For more information and to sign up to Property Alert visit the Land Registry on <https://propertyalert.landregistry.gov.uk>. If you believe you have been the victim of fraud contact the Land Registry on 0300 0067030 or Action Fraud on 0300 1232040.

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THINK CAREFULLY BEFORE SECURING OTHER DEBTS AGAINST YOUR HOME. YOUR HOME MAY BE REPOSSESSED IF YOU DO NOT KEEP UP PAYMENTS ON YOUR MORTGAGE.

Removing Rogue Landlords from the Private Rented Sector

New funding has been announced by the Communities Secretary, Greg Clark MP on 11th November 2015. It is designed to assist up to 65 councils to tackle rogue landlords who let substandard homes.

The aim of this fund is to help councils target and root out landlords who do not comply with the law, including those who ruthlessly let dangerous, dirty and overcrowded properties. These properties are often rented to vulnerable tenants charging them extortionate rents to live in cramped conditions. SWLA will be receiving some of this fund from Plymouth City Council for developing on-line training on our web-site. During 2015-2015, council-led efforts meant more than 3,000 landlords faced enforcement action and in some cases prosecution. The Government believes that the additional £5 million funding, combined with measures in the Housing and Planning Bill will further strengthen the councils' powers to tackle poor quality privately rented homes in their areas.

Key ways to establish you are a landlord on top of your game in terms of standards and to provide evidence of this commitment is to come on a SWLA Landlord Accreditation Training Course with SWLA and become an accredited landlord. The next Landlord Accreditation Training course is on the 18th March 2016 at Newton Abbot- please view our website for further information. If you wish to book onto the course, please call the Office on 01752 510913. Future accreditation courses will be advertised on SWLA and LASW's websites.

Upcoming Training Courses

Landlord Accreditation Training Course - Friday 18th March 2016 between 9.15 and 4.30pm at the Long Room, Old Forde House, Teignbridge District Council, Brunel Road, Newton Abbot, TQ12 4XX.

Price - £65 for member, £75 for non-members. (Some discounted places available for Teignbridge landlords via Teignbridge District Council).

Course covers ASTs, deposits, Section 21s, Section 8s, HMOs, Gas and Electrical Safety, Inventories and more. Contact the office for further details or to book on 01752 510913.



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Landlords Encouraged to Help Eliminate Cannabis Farms

Unfortunately landlords and letting agents are in the front line in the fight to weed out cannabis farms as criminal gangs turn rented homes and commercial properties into drug manufacturing factories.

Police are calling on landlords to regularly inspect their rental properties to catch the gangs. Drug squad police attend landlord forums regularly and have teamed up with letting agents to alert landlords on how to spot the tell-tale signs on a cannabis farm. Police in Stockport have raided nearly 40 cannabis farms in the past year. Police say many of the country's cannabis farms are run by organised gangs from South-East Asia who install a small team of illegal immigrant gardeners who in order to pay off their travel costs to the UK guard and tend the cannabis crop.

The Association of Residential Letting Agents has published a leaflet for landlords and letting agents on how to spot a cannabis farm. The tips are;

Cannabis plants emit a strong smell which you will notice at the property. Cannabis is difficult to grow in the open and needs watering and lighting to mature-be on guard for professional hydroponics for watering, extra industrial lighting and ventilation to remove the plant's odour. Windows will show signs of condensation as they may be blacked out with silver foil or heavy plastic. The condensation may also cause wallpaper and paintwork to peel and damp patches on floors and windows. Most cannabis farms have bypassed electric meters and makeshift wiring. Much of a mature cannabis plant is thrown out during harvesting, so bins and the garden may be full of stalks and root balls from pits. Other signs to alert you, are tenants paying rent for six months or even a year upfront. "Often drug gangs have someone who is local renting the property so they will pass the credit checks" said a police spokesman.

Smoke and CO Alarms – Now Mandatory in England

Just a little reminder, in case you missed the announcements in the media and SWLA e-mails: As of 1st October 2015, landlords in England are required by legislation to install smoke and carbon monoxide alarms in their properties.

Landlords in England must install smoke alarms on every floor of their rental property and test them at the start of every new tenancy. Landlords also are required to install carbon monoxide alarms in rooms where there are solid fuel appliances such as a coal fire or wood burning stove. Landlords who fail to install smoke and carbon monoxide alarms could be fined up to £5,000

Number of Tenants in Serious Rent Arrears Rising

The number of tenants falling seriously behind on rent went up by 13.8% between the three months to June and the three months to September.

There were 84,200 tenants more than two months behind on their payments between July and September – the most for two months, the data from estate agents Your Move and Reeds Rains reveals.

The growth in tenants falling behind may simply be the result of the growth of the private rented sector. However, the proportion of private tenancies in arrears has risen to 1.6% from 1.4%, but is below the 2008 peak of 2.9%.

“The chance of an individual tenant falling into serious arrears remains very low. In general, renting works for most people. Over the last decade the private rented sector has expanded at unprecedented pace, providing homes for millions of households at the same time as absorbing the worst financial crisis in living memory” said Adrian Gill director of Your Move and Reeds Rains.

“But beneath this rising tide there are inevitably some households and individuals who are not yet feeling any new economic buoyancy. As others bid rents higher there will be a minority who are still struggling to keep up.” *(from City AM)*



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Plymouth Landlords Fined for Failing to Improve Hazardous Millbrook Property

On 11th December 2015 at Bodmin Magistrates Court, Cornwall Council successfully prosecuted landlords Russell Champion of St Judes in Plymouth and Mary Foley of Victoria Place in Plymouth who failed to comply with two Improvement Notices served under Section 11 and 12 of the Housing Act 2004 for a property they rented out at Millbrook in Torpoint.

Mr Champion was fined £200 for each of the two counts and ordered to pay costs of £460.29, a victim surcharge of £40 and a criminal court charge of £150 making a total of £1050.29. Ms Foley was fined £100 for each of the two counts and ordered to pay costs of £460, a victim surcharge of £20 and a criminal court charge of £150 making a total of £830.

When Cornwall Council's Private Sector Housing Team inspected the property in 2014, the property was found to be in poor condition with

No fixed heating and no insulation to the property;

Slippery, unstable steps to the rear garden with uneven treads and risers;

No smoke detectors in the property

Improvement Notices were served in September 2014 for the hazard "excess cold" and in April 2015 for the hazard "falls on stairs etc". Works should have been completed by June 2015.

On 16th July a follow up visit to determine if the works required by the Improvement Notices had been satisfactorily completed, it was found that the works had not been completed to comply with the Improvement Notices served. Joyce Duffin, Cornwall Council Cabinet member said "Cornwall Council is committed to supporting landlords and helping them meet their legal requirements but when landlords fail to manage and maintain their properties to an acceptable standard and place the health, safety and wellbeing of tenants at risk, the Council will take appropriate enforcement action and prosecute for non-compliance.

Working in partnership with national and local landlord and letting associations (including SWLA) the Council has developed the "Cornwall Responsible Landlords Scheme" and the "Private Rental Standard" for Cornwall. The scheme is designed to help good and improving landlords understand and comply with legislation.

Further details can be found at www.cornwall.gov.uk/private-sector-housing/responsible-landlord-scheme. Alternatively call the Cornwall Responsible Landlord Scheme Lead Officer on 01872 224543 for more information.

How The High Rate Stamp Duty Works For Investors

Property investors and second home owners have finally found out how the new higher rates of stamp duty will add thousands of pounds to home purchases from April. The Treasury has now published a consultation document packed with more than 40 examples and asking for responses to 20 questions about proposed tax – but only gave until 1st February for responses. The measure was first announced in the Chancellor's George Osborne Autumn Statement 2015. He explained the new higher rate of stamp duty would add 3% stamp duty to any home purchase other than the replacement of a main home.

The new stamp duty rates apply to any home in England and Wales valued at £40,000 or more and are expected to apply to around to 10% of property purchases. Married couples and civil partners are allowed one main home as a "unit" according to the new rules.

The higher rate is calculated like this:

A residential investment property is bought for £200,000. Stamp duty is calculated as: 3% on the first £125,000 = £3,750. 5% on the remaining £75,000 (the portion between £125,000 and £200,000) = £3,750. Total stamp duty payable is £3,750 + £3,750 = £7,500.

Under current rates, the stamp duty would be £1,500, calculated a 2% of £75,000 – the amount above the nil rate band of £125,000.

A second home is bought for £100,000. Stamp duty is calculated as 3% on £100,000 = £3,000. Under current rates no stamp duty would be payable on this purchase.

Property Purchase Price	Residential Rate	Investment Rate
Up to £40,000	0%	0%
£40,001-£125,000	0%	3%
£125,001-£250,000	2%	5%
£250,001-£925,000	5%	8%
£925,001-£1.5 million	10%	13%
Over £1.5 million	12%	15%

Transactions of less than £40,000 do not require a stamp duty return to be filed with HMRC and are not subject to the higher rates.

(Source:HM Treasury)

NOTICE

SWLA stationery

SWLA stationery may change without notice so before using a document, make sure that you use the latest one on the SWLA website, by checking the issue date or check with the SWLA office at the email address or telephone number shown below. Don't forget our ability to advertise accommodation to let, property for sale in our office window

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Rory Smith, Enigma Solicitors

Rory Smith is a highly experienced specialist in a wide range of disputes and their resolution. Rory can also recommend to you other law firms in Plymouth who will all offer free initial advice to SWLA members in other specialist areas. Contact Rory on 01752 600567 or by email at rls@enigmaw.com Enigma is located 5 minutes away from SWLA's office at Farrer Court, 77 North Hill PL4 8HB The office is open 8:50 a.m. until 5:00 p.m. weekdays.

Richard Gore Solicitor in Bristol
Richard is with Greg Latchams on 0117 9069424 and will support initial telephone calls to discuss your problems

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By The South West Landlords Association Ltd 30 Dale Road, Plymouth PL4 6PD

You can contact our ansaphone service on 01752 510913 or E-mail us at swlandlords@hotmail.com, visit our website at www.landlordssouthwest.co.uk

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The Association provides assistance and advice. However, the Association does not hold itself out as providing specialist legal advice and therefore whilst written and oral advice is given in good faith, no responsibility can be accepted by the association, its officers or members for the accuracy of its advice, or shall the association be held liable for the consequences of reliance upon such advice.