

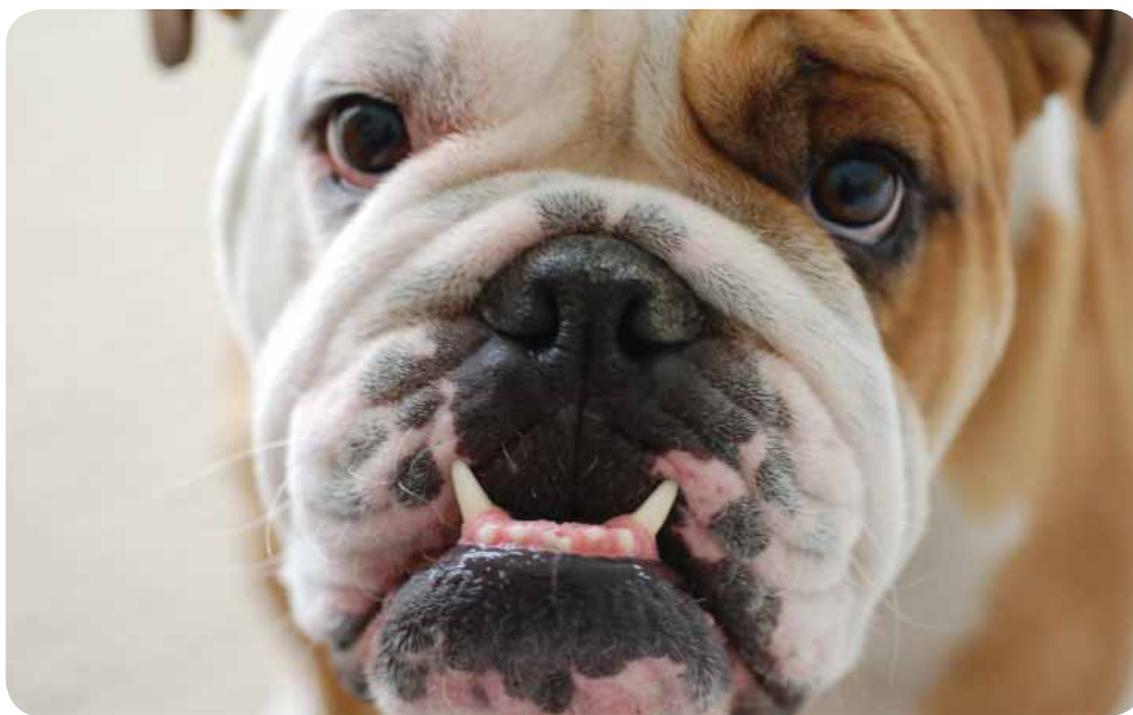
# The Letter\*

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Autumn 2012 Issue 5

## Friend or Foe?



**It is estimated that 43% of the population currently own a pet and almost 5 million people live in privately rented accommodation in the UK. Yet few landlords will rent their properties to tenants with pets.**

In a recent survey by Dogs Trust: 78% of pet owners reported that they had experienced difficulties finding privately rented accommodation that would allow their pets, 54% of pet owners were never able to find a suitable property that accepted pets and 8% of people had to rehome their pets!

But could the decision not to accept tenants with pets in your property be an oversight? It could be argued that opening up your property to tenants with pets will maximise its rental potential. In turn, by excluding pet owners, you may be missing out on a huge chunk of the rental market.

Obviously this decision would have to be made with each individual property in mind, depending on whether it is suitable for the pet in question. But where a property could be suitable, it may be that this could increase the demand for the property and encourage the

chosen tenants to stay there for longer.

Chinneck Shaw regularly let properties to tenants with pets. In every case we specify that an increased deposit is paid to cover the possible cost of carpet cleaning, flea treatment or repairing any damage that a pet may cause. Overall, our past experience of pet owners as tenants has been positive and our advice to landlords is to give the decision some thought.



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## Newsletter mailing list

If you would like to be added to our newsletter mailing list, please provide us with your name and address, and we will make sure that we send you a copy of The Letter each quarter.



## The Portsmouth Landlord Show

Chinneck Shaw will be exhibiting once again, balloons and all, at the Portsmouth Landlord Show in October, after having a stand at the inaugural show last year.

‘The Portsmouth Landlords Show will be of interest to everyone who lets property or is thinking of doing so, whether letting to students or renting out a mansion.’ Entry to the show is free and you can find out more information on the website: <http://www.pdpla.com/landlord-show/>

The show is organised by the Portsmouth and District Private Landlord Association (PDPLA) and many of their members will be available to share experiences from in and around the area.

The show aims to give local landlords the opportunity to get up to date on legal, regulatory, sustainability, trade and professional services opportunities and obligations. Attendees will be free to network with fellow landlords, meet experts from a range of fields, learn from keynote speakers and hear the latest lettings news.

*Why not come along and say hello!*

The Portsmouth Landlord Show on Wednesday 17th October 2012 from 2pm - 8pm at the Queens Hotel, Clarence Parade, Portsmouth

“ *The Portsmouth Landlords Show will be of interest to everyone who lets property or is thinking of doing so, whether letting to students or renting out a mansion.* ”

## Everything's "all-white" at chinneckshaw



It was time for a change of scenery here at Chinneck Shaw this summer. Not only has the interior of the office had a bright lick of paint, but now the office front has also been transformed! We are really pleased with the result and think it makes the office look much more appealing to passers-by.

There are still some finishing touches to be done but have a drive by and let us know what you think!

# Four essential things to check if a tenant vacates without warning

In the normal run of things a tenant will notify you when they are going, you will have a checkout meeting and things will be dealt with in an orderly manner.

However sometimes a tenant will just move out. What then? Can you let yourself in, clear up and re-let the property?

The answer is sometimes you can and sometimes it would be unwise. The problem is that if you go in and change the locks before your tenant has actually given up their tenancy, this is unlawful eviction.

## And unlawful eviction is both

- **a criminal offence** – meaning you can be prosecuted (normally by the Local Authority – the Police don't do this work) and
- **a civil wrong** – meaning that your tenant can sue you for compensation

In both cases, if you had reason to believe that the tenant had finally vacated you should have a defence. This is why many landlords put an 'abandonment notice' on the door of the property in this situation.



However, although this may help you defend a prosecution, it is not going to help much with a civil claim. Because if your tenant was laid up in hospital after a car accident or had gone up to Scotland to visit his great aunt Mary, he won't have seen it!

In civil law there is this concept of an 'implied surrender' of a tenancy – if the conduct of the tenant is inconsistent with an intention to continue with the tenancy, then this will be deemed to be an 'offer to surrender' which a landlord can 'accept' by going in and changing the locks.



So how do we know when this will apply? Here are four signs to watch out for:

## First – has the tenant said anything that would indicate that he was leaving?

If he told you in January that he would be moving out at the end of March but then you heard nothing further from him, but discovered that the house was empty when you visited it in April, it would be reasonable to assume he has moved out. Depending on the following three points though.

## Second – has he left the keys behind?

This is perhaps the most important sign. Giving up the keys is the symbol of giving up possession.

So if the keys have been returned you can usually assume that it is safe for you to go back in.

## Third – has he left any possessions behind?

If all possessions have been removed, this is a sign of giving up possession, particularly if the keys have also been returned.

If possessions remain then landlords should consider whether they should play safe and wait until they can obtain an order for possession.

## Fourth – are there any rent arrears?

Unless it is very clear indeed that the tenant has given up possession, you should NEVER repossess a property while the rent is being paid. If the tenant wants to leave the property empty that is a matter for him.

However if the tenant has stopped paying rent, then this is another sign that he may have given up possession.

It will also make it safer for you to repossess, as if the tenant were to sue you for illegal eviction, any award he got would be offset against your claim for unpaid rent.

However you need to be careful, and remember that tenants ARE legally entitled to remain in a property when they are in arrears of rent, until such time as you can evict them through the courts.

## Finally

Finally remember that it is not unknown for dishonest tenants to make it appear as if they have moved out, to entice landlords to repossess so they can then sue them for compensation. So you always need to be very careful in this situation.

# Rental homes set to be subject to council tax as soon as they fall empty

**New plans to give local authorities power to charge council tax on homes as soon as they become empty could hit sellers and landlords hard – and give letting agents a mammoth administrative headache.**



The Government says ‘there is no compelling reason why the first six months should be treated so generously’.

The proposal could clearly hit landlords, as well as sellers needing to relocate quickly.

It comes at much the same time that a much higher-profile move has grabbed the headlines.

The Local Government Finance Bill, currently going through Parliament, will allow local councils to charge higher amounts for homes empty for two years or more, as well as to double rates for second homes.

In the official consultation this spring, the councils overwhelmingly voted in favour (169 councils for, 25 councils against) to the exemption being abolished. They were not only by far the most enthusiastic, but also the group which responded most to the proposal.

However, even the most eager of local authorities would have

to face up to the logistics of having to collect small amounts of council tax on properties vacant for only a few days.

Ian Sanford, of Pennington Homes, in Huntingdon, said: “With local authority finances under pressure in the present recession it is more than likely that authorities will choose not to grant council tax-free periods, which will have major financial implications for landlords and vendors alike.

“In addition, it will provide an additional administrative burden for letting agents in that they will have to advise local authorities of all vacant periods, most of which are often only of a duration of a few days. It is also likely that, in these cases, it will cost the local authority more to collect the small amounts than the additional revenue achieved.”

Here at Chinneck Shaw we deal with paying council tax bills on a regular basis and understand what a difference this proposal will make if it does get enforced by our local councils. We will endeavor to follow this subject closely and keep you updated.

At the moment, when a domestic property falls vacant, the owner is granted a mandatory period of six months before council tax becomes payable. Ministers want to abolish this mandatory requirement.

Under the Localism Act, the Government is proposing to replace it with a clause that would let local authorities charge whatever they wanted on empty homes for the first six months.

They could if they wished charge nothing, or the full 100% council tax, or anything in between. The carrot for local councils is undeniable – they would be able to hang on to every penny.

After the first six months, full council tax would be payable, as now.

## Contact details

### Editors

Miss Shelley Morris-Green  
and Mr Neil Shaw FRICS  
11 Milton Road  
Copnor  
Portsmouth  
PO3 6AN

t: 023 9282 6731

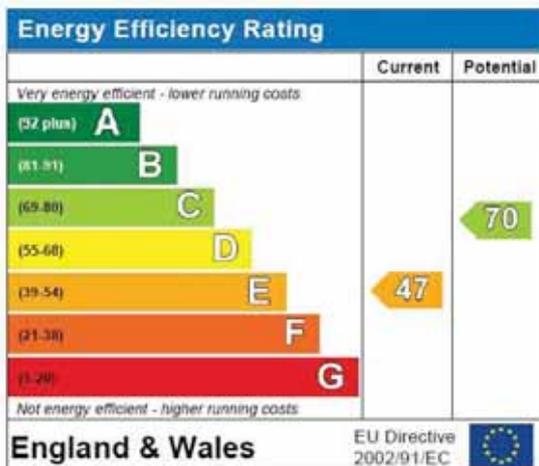
f: 023 9282 6733

email:

[info@chinneckshaw.co.uk](mailto:info@chinneckshaw.co.uk)

website:

[www.chinneckshaw.co.uk](http://www.chinneckshaw.co.uk)



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can arrange an Energy Performance certificate (EPC) for £60.00 + vat.

For more information contact:

**023 9282 6731**

or email

[info@chinneckshaw.co.uk](mailto:info@chinneckshaw.co.uk)

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