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# Landlords and Tenants

Guide to best practice



**Malcolm & Co Solicitors**

Letting & Property Management Agents

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## Aims and Objectives

Malcolm & Co Solicitors and Lettings agents aim to make your life easier. Our straightforward approach is the result of over 10 years local of experience combined with a forward looking vision.

Personal service and specialist knowledge are essential elements of our business.

We take the fear out of lettings so that both Landlord and Tenant are safe in the knowledge that their contract is backed by the security of a legal practice which has a solid reputation within the East London Community.

### Our Aims and Objectives

#### **Mission Statement**

To provide peace of mind for all our landlords and tenants and to give quality service with a smile.

#### **Protection**

For tenants, to guarantee your deposits are safe and protected.

For landlords, to make sure your property is fully looked after and protected.

#### **Accountability**

The contents of the property are itemized and the condition of the property is videoed so any disputes on the state of the premises before and after letting are immediately addressed and quickly resolved.

#### **Integrity & Honesty**

To demonstrate honesty, trust worthiness and mutual respect. Where we say what we mean and we mean what we say.

#### **Passion**

To be passionate in everything we do, so we deliver the superior service that you require. We have a strong work ethic, as there is no substitute for hard work.

#### **Caring**

To maintain respectful relationships with our customers treating them in the same manner we would like to be treated and be appreciative to our customers.

#### **Fun**

To display a sense of humour and add personality to the customer experience and to provide a friendly environment.





## About Us

Mr Donovan Malcolm LLB is a leading independent solicitor in East London who has expanded into lettings covering 4 London boroughs Hackney, Tower Hamlets, Newham and Waltham Forest.

The original Partnership, established in 1992, has developed into a strong independent professional firm serving its clients throughout East London and beyond with pride and expertise. Malcolm and Co Solicitors is one of the first multi-disciplined private practices in the East London area. The unique nature of having your letting contract come under the security of a law firm takes away the fear for tenants of losing their deposits to unscrupulous letting agents.

### Areas of Operation & Expertise

Landlords and Tenants can have the assurance of knowing that we are fully regulated by  
The Law Society  
The Association of Residential Letting Agents  
and adhere to the very high standards required by the Trading Standards Institute.

The range of work undertaken includes:-  
Commerical and Residential, Sales and Lettings

Malcolm & Co Solicitors and Lettings offers a wide range of Letting and Management services which can be tailored to meet your individual needs whether you are a private home owner, an investment landlord or a corporate property company.





# Guide for Landlords

## Rental Payments

Client monies are forwarded quickly and efficiently to our landlords.

Our accounting complies fully with both the Law Society and the Association of Residential Letting Agents (ARLA) bylaws and rules and have an independent audit carried out annually. We know it is important for our clients to receive all rental payments as quickly as possible. In order to avoid delay we make payments directly into the landlord's bank. Our commitment is to arrange for this within 7 working days of receiving cleared funds, however, often this is achieved within 2/3 days.

## Safety Regulations

Under the law all rental property must have a gas safety certificate which certifies that all the gas appliances have been checked and are safe, an electrical certificate which certifies that all the electrics and electrical appliances are safe. Also From 1 October 2008 landlords are required to provide an Energy Performance Certificate when they rent out a home. An Energy Performance Certificate (EPC) gives information on the energy efficiency of a property you want to let.

We have to check that all property taken on by our business complies with these requirements. **If they do not we have a Property Maintenance Department with fully qualified technicians who can advise on what needs to be done, carry the work out to comply and can issue the relevant certificates.**

The price charged for this service is very competitive as the work is carried out with our company contractors.

We ensure that all gas appliances are safety checked annually and a current certificate can be provided at the start of a tenancy. All agents are Corgi registered.

The electrical equipment must also be safe and we strongly recommend to our clients that the appliances are checked yearly by a qualified electrician.

The furniture and furnishings must always comply with the safety regulations as required by Trading Standards.

An Energy Certificate can also be obtained for the premises

A very competitive fee will be charged to ensure compliance: Gas Safety Certificate, Energy Certificate, Electric Safety.



# The Service



## Diamond Service

### Letting and Full Management Service

Marketing, advertising and conducting viewings at the property

Tenant selection, introduction and full referencing i.e. Last landlords reference & Employers reference & confirmation of income

Transfer of rents

Preparation of the tenancy agreement

Preparation of the inventory and schedule of condition of property

Arranging routine repairs and maintenance by qualified technicians. eg Corgi registered and NICEIC registered

Quarterly property visits and reports on the condition of the Landlords Property and ascertain Tenants Satisfaction.

Payment of property related outgoings

Notifying utilities at the beginning and end of tenancy

Optional - Rental Protection and Legal Expenses indemnity insurance

Optional – lets-cover Buildings and Contents Insurance.

Tax Advice

Bonding for client deposits

Itemised contents itinerary

Video record premises so as to have evidence of the state of property before and after a let so that any dispute can be quickly resolved.

Full advice on all the legal requirements that the landlord must satisfy before renting their property.





# The Service

## Gold Service

### Letting and Rental Collection Service

- Marketing, advertising and conducting viewings at the property
- Tenant selection, introduction and referencing i.e. Last landlords reference & Employers reference & confirmation of income.
- Transfer of rents
- Preparation of the tenancy agreement
- Optional preparation of the inventory and schedule of condition
- Optional - Rental Protection and Legal Expenses indemnity insurance
- Optional – lets-cover Buildings and Contents Insurance.
- Tax Advice
- Bonding for client deposits

## Silver Service

**Introduction Only Service** - only recommended for those with significant property management experience.

- Marketing, advertising and conducting viewings at the property
- Tenant selection, introduction and referencing i.e. Last landlords reference & Employers reference & confirmation of income.
- Preparation of the tenancy agreement
- Optional - Transfer of rents
- Managing the commencement of your Let and any subsequent extensions  
Optional preparation of the inventory and schedule of condition
- Optional - Rental Protection and Legal Expenses indemnity insurance
- Optional – lets-cover Buildings and Contents Insurance.
- Tax Advice
- Bonding for client deposits





# Guide for Tenants

## Guide for tenants

### Accompanied Viewings

We interview our applicants and meet them at the properties which allow us to match the right tenant to the right premises for them. It is also essential for you to know what items will remain in the property and what your responsibilities are. For example, who looks after the garden, parking arrangements, insurance cover etc.

### Assistance with Forms and Documents

To make the experience of letting smooth and hassle free we will explain in plain English all documentation to ensure you fully understand the legal implications before signing a tenancy agreement and committing to a tenancy. The initial deposit money required, which must be cash or cheque or debit card, will be detailed and a time and date arranged for you to pay. With cheques the funds have to clear before moving into the property. There is a nominal handling charge for cheques or debit cards. It is important that you attend the inventory check-in so that you can agree to any amendments and we recommend that you keep the document in a safe place as it forms the basis of any claims for damages at the end of the tenancy.

### Safety Regulations

We ensure that all gas appliances are safety checked annually and you will be given a current certificate at the start of a tenancy. All agents are Corgi registered.

The electrical equipment must also be safe and we strongly recommend to our clients that the appliances are checked yearly by a qualified electrician.

The furniture and furnishings must always comply with the safety regulations as required by Trading Standards.

An Energy Certificate will also be obtained for the premises







## Guide for Tenants

Your landlord is liable for most maintenance and repairs to the property, but may have retained our lettings and property management department to arrange these on his / her behalf. If so, you should notify the branch of any problems you notice. If we aren't managing the property, you should contact your landlord directly.

Routine housework, such as cleaning, gardening, renewal of lightbulbs etc will be your responsibility.

Many tenants are concerned about their security deposit which is held to cover the cost of any damages. By renting through Malcolm and Co Solicitors and lettings, your deposit is protected by the Tenancy Deposit Scheme for Regulated Agents (TDSRA), operated by an independent body, this ensures that only legitimate claims are made against deposits, and offers a dispute resolution service for cases where the parties cannot reach agreement, avoiding expensive and time-consuming Court action. Therefore should a dispute arise at the end of the tenancy you will be able to contact the TDSRA who will settle the matter at no cost to a tenant. We also offer comprehensive Contents Insurance policy specially designed for tenants which include damage to the landlord's contents and alternative accommodation should the property become uninhabitable.

The fact that we video and photograph the condition of all properties at the beginning of the tenancy enables any dispute to be quickly resolved.

Our lets-cover insurance policies provide landlords and tenants with tailored cover at competitive premiums.

### **Our policies are:**

Underwritten by AXA Insurance UK plc, one of the worlds leading insurers.

Our household insurance cover is administered by Heath Lambert

Insurance Services (HLIS).

(Need to arrange)





## Why Malcolm & Co?

### The advantages of letting through Malcolm & Co.

We are a Solicitors firm fully regulated by the law society

This means all deposit monies are protected

All our contracts are legally binding

We give comprehensive legal advice to both landlord and tenant in relation to their legal rights and responsibilities

There are some very compelling reasons why landlords (and agents) should make absolutely sure that their properties are entirely safe for tenants because failure to do so is a criminal offence. They should also be aware of all the safety issues and the legal requirements surrounding the letting of property.

Manage your property well and the risks to you as landlord or agent can be minimal, **but manage the property badly and your risks are high.**

**Safety aspects come under criminal law - if a criminal offence is committed landlords can face a term in jail, a heavy fine, or both. In addition, there could be a liability to the tenant for civil damages - these can be substantial.**

Civil liability in safety matters is becoming an increasingly important issue for landlords. Now that lawyers actively promote their services and work on a no-win no-fee basis there is an increasing number of accident claims. Damages can be substantial so you must carry appropriate and adequate insurance.

The Consumer Protection Act (1987) and The General Product Safety Regulations 1994 (European Communities Act 1972) require:

products supplied to consumers in the course of business must be safe.

consumers must be supplied with information and warnings about the use of products supplied.

suppliers must make themselves aware of the risks associated with the use of products supplied.





## Why Us?

### Landlord Guide

The main areas you need to be concerned about are:

- Gas safety and annual Gas Safety checks.
- Fire safety - escape routes, alarms, fire fighting equipment and fire doors (when supplied or fitted).
- Electrical safety - wiring and appliances.
- Operating instructions and user warnings provided for all appliances and equipment.
- Furniture and furnishings - meet the regulations.
- General internal and external building safety for tenants, visitors and the general public.
- Landlord and Public Liability insurance.
- Houses in Multiple Occupation - special legal regulations apply - see (HiMO).
- It should be made clear by document who is responsible for the TV licence.

In addition to the statutory annual Gas Checks it is advisable to carry out an annual inspection (Risk Assessment) of the entire premises and surrounding grounds for obvious safety hazards:

- Fittings and appliances for loose or dangerous parts.
- Wiring/plug sockets, and fuses for correct size.
- Doors, entrances and free exit escape routes.
- Upper floor windows for safety bars/catches.
- Fire doors (when fitted) their seals & closers.
- Smoke alarms & fire equipment (if provided).
- Stairs and stairways, handrails and carpets for the possibility of causing trips and falls.
- Roofs, chimneys, gutters and down spouts for possibility of falling objects.
- Paths, driveways, stairways and fire escape surfaces for possibility of trips and falls.
- Gardens, walls, gates and fences, outhouses, garages, and any tools provided, for general safety.





## Why Us?

### Annual Inspection

Having a Safety Checklist for an annual inspection (Risk Assessment) would be very useful evidence of your due diligence in these matters in the event of an accident. The annual inspection will be done by ourselves and video recorded. This will be kept on each client's file for reference. This provides conclusive evidence and peace of mind for both landlord and tenant.

None of the safety regulations in force give landlords or agents a right to enter premises without the tenant's permission. It is always advisable to give tenants at least 48 hours notice of a requirement to enter for maintenance or inspections - see harassment. It is advisable to have the electrical wiring system professionally inspected every 5 years and brought up to the current Electrical Regulations standard.

### Items Supplied

Think carefully about the equipment and furnishings you are providing with the property. There are now no real advantages to letting residential property fully furnished. Many properties will let perfectly well unfurnished or partly furnished - indeed tenants with their own furniture will often prefer it.

It is a criminal offence to supply any item with a property which is unsafe. Some items such as oil heaters, portable LPG heaters, DIY tools, glass furniture and garden tools are particularly hazardous - you would be well advised not to supply any of these.

Don't forget to check the property before a new letting to ensure that no items have been left by previous tenants, which could be defective. You should pick this up when you do the Inventory.

By keeping the items you provide to a minimum, especially upholstered furnishings and electrical appliances, you are reducing your risk considerably.

### Due Diligence

Regulations regarding safety in tenanted properties are enforced locally by the local authority: Trading Standards, the Health & Safety Executive, Environment Health Officers, and local Fire Officers.

In the event of a tenant complaint or an incident the defence of "due diligence" may be accepted where it can be shown that the landlord or agent took all reasonable steps to avoid committing the offence.

Finally we ensure all our gas engineers are Corgi registered and that our electrical engineers are NICEIC approved.



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