



The key to a quiet life

Disagreements between tenants and landlords can be long and sometimes bitter. Yet most can be avoided with the right legal advice at the start.

Solicitors can deal with all areas of Landlord and Tenant Law and are skilled in settling disputes. But prevention is better than cure. The key to a happy tenancy is to understand your rights and duties as a tenant and to make sure your tenancy agreement reflects them. This is why it's vital to visit a solicitor before you agree to your landlord's terms.

Tenancy agreements

A tenancy agreement is a contract between you and your landlord. This contract can be written or verbal. In England and Wales there is no law to say that landlords have to provide a written tenancy agreement, but it is always a good idea to ask for one – even if your landlord is a friend or family member. Otherwise, if you have a dispute with your landlord about the terms of your tenancy, it is your word against theirs as to what has been agreed.

There are several types of tenancy agreement. Of these, the two most common types are the 'assured shorthold' tenancy and 'assured' tenancy.

Assured shorthold tenancy

This is normally for six months. You have no right to stay at the end of the tenancy period agreed if your landlord has given you valid notice to leave.

Assured tenancy

This is often used by public-sector landlords. It gives you far greater rights to stay at the end of the tenancy period agreed.

Ideally, you should contact your solicitor before you agree the terms of a tenancy with your landlord. This will give you the chance to check whether the terms are fair and legal before you commit to them.

Finding a solicitor

If you don't already have a solicitor, you can find a list of solicitors in your area by visiting our website at www.solicitor-online.com and searching under 'Landlord and tenant - residential'. Or you can call the Law Society on 0870 606 6575.

How long will it take?

If the tenancy agreement you are considering is relatively straightforward, you will probably only need one meeting with your solicitor to check the agreement through. Your solicitor will then send you a letter to summarise the advice they have given you.

What will the meeting cover?

If your landlord has given you a written agreement to sign, bring it with you. Your solicitor will go through it point by point to:

- check that it is legal;
- explain the basic requirements of the agreement; and
- warn you of any pitfalls.

You will need to consider the following key issues.

Length and type of tenancy

When does the tenancy start and finish? What notice does the landlord have to give you to end the tenancy? Under what circumstances can you be evicted? What do you have to do if you want to end the tenancy?

Lease restrictions

What restrictions has your landlord placed on you keeping pets, hanging out washing or playing loud music after hours? Are these restrictions reasonable? What happens if you ignore them?

Rent

When do you have to pay the rent? What might happen if you don't pay on time? Will you have to pay interest? How often and when can the landlord increase your rent?

Deposits

How much do you pay and when do you get it back? Is there a list of fixtures and fittings which your landlord has left in the property?

Service charges and repairs

Will the landlord provide any services, such as laundry, maintenance or meals? Are there separate service charges for these? What are the landlord's duties to carry out repairs?

Access

What are the landlord's rights to enter your home? Are other people allowed to use the property? If so, which rooms can they use?

Further action

If any of your landlord's terms seem unreasonable or inconvenient, your solicitor can tell you how best to go about raising these concerns.

Disagreements

Sadly, most tenants don't take advice until matters have reached crisis point and they find themselves evicted or their rights abused. Although it is rarely as easy to solve a problem at this stage, your solicitor has the knowledge and experience to see the matter through.



Costs

Charges can vary between solicitors. They depend on:

- the experience and knowledge of the solicitor; and
- how complicated the tenancy agreement is.

Before you decide who to use, check with a few different local solicitors' firms to compare their charges. Remember that you may have to pay more for a more experienced solicitor.

Help with costs

If you have a low income or are claiming State benefits, you may be entitled to free legal help and advice. If you have to go to court, this help may include paying some or all of your legal costs. You can find out whether you are entitled to this help by phoning your solicitor. Or you will find a list of solicitors with a Legal Aid franchise on www.justask.org.uk.

More information

This is one of a series of leaflets covering the most common types of legal services which solicitors provide. Other leaflets in the series are listed below. You can get them from your solicitor or by phoning the Law Society on 0870 606 6575.

- Your guide to renting out your property*
- Your guide to buying a home*
- Your guide to making a will*
- Your guide to getting a divorce*
- Your guide to problems at work*
- Your guide to setting up a business*
- Your guide to making a personal injury claim*
- Your guide to financial matters for the elderly*
- Your guide to setting up home with your partner*
- Your guide to using a solicitor*
- The Client's Charter: your solicitor's customer care standards*