



Adapting your Tenancy Agreement, negotiating a solution or even issuing court proceedings, **we have the necessary knowledge and expertise to support you**

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Renting Property



UNDERSTANDING | TRUST | KNOWLEDGE

Key to peace of mind

Renting out your property (whether commercial or residential) may seem like an easy source of income, but it can also be a legal minefield. If there are disagreements between you and your tenant, it can quickly become a drain on your time and resources.

The best way to avoid this is to seek legal advice before committing yourself.

At Ungeod-Thomas and King we can deal with all areas of Landlord and Tenant Law and are skilled in settling disagreements. However prevention is better than cure. Before even looking for a tenant, we can help you decide on the terms of the Tenancy and can create a written Tenancy Agreement tailored to your needs.

Tenancy Agreements

A Tenancy Agreement is a Contract between you and your tenant. This Contract can be written or oral. In England and Wales there is no law to say that Landlords have to provide a written Tenancy Agreement, but it is important to do so. Otherwise, if you have a dispute with your Tenant about the terms of the Agreement, it is your word against theirs as to what was agreed.

The main advantage of having a written Tenancy Agreement is that it sets out the duties and responsibilities of both Landlord and Tenant in a way that is legally enforceable. This keeps disagreements to a minimum because both sides know where they stand.



There are various types of agreement: the two most common types of residential tenancies are the Assured Shorthold Tenancy and the Assured Tenancy. Leases are generally used in commercial situations, where the agreement between the parties is governed by the Landlord & Tenant Act 1954.

Assured Shorthold Tenancy (Residential) –

This is normally for a minimum term of 6 months and the Tenant has no rights to stay at the end of the Tenancy period agreed.

Assured Tenancy (Residential) – This is used mostly by Housing Associations and other Registered Social Landlords but occasionally by private Landlords. It sets out in what circumstances you can end the Tenancy and gives the Tenant far greater rights to stay on at the end of the Tenancy.

Commercial Buildings – Lease requirements for commercial buildings are very complicated, long documents. Commercial Leases are automatically renewed at the end of the term in favour of the Tenant unless the parties have contracted out of the Landlord and Tenant Act 1954 following prescribed procedures.

Getting advice

Ideally you should contact us as soon as you start thinking about renting your property out. This will give you a clear idea of the terms to offer to any Tenant you are considering. We can:

- Explain the different types of Tenancy Agreement and identify the most suitable for you
- Highlight the essential requirements and terms of your Tenancy Agreement
- Explain any related legal issues
- Warn you of any pitfalls including advice on how to end an agreement
- Give you advice on the type of Tenant references to ask for.

Drawing up your agreement

Once you have instructed us we will explain your rights and responsibilities as a Landlord. You then have the opportunity to explain your specific needs and concerns. This will help us draw up the Tenancy Agreement that is tailor made to your needs. During this process we will cover the following issues with you:

- Length and type of Tenancy
- Restrictions
- Rent
- Deposits
- Service charge and repairs
- Access.

Using the agreement

Once you have a Tenancy Agreement make sure that both you and your Tenants sign it prior to the start of the Tenancy and prior to the Tenant gaining occupation of the Property. You must give your Tenant a duplicate of the Agreement.

Disagreements

If you do have a disagreement with your Tenants, there are several ways we can help. Whether it is simply a case of checking your legal rights or something more complicated such as adapting your Tenancy Agreement, negotiating a solution or even issuing court proceedings, we have the necessary knowledge and expertise to support you.

For more information, please speak to one of our Solicitors specialising in tenancy related matters.