

A Home in the Private Rented Sector:

a Guide for Tenants in Wales

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Who is this guide for?

1. This guide is important for anyone who is looking for a house or flat to rent, including students. Most of the contents also apply if you rent a room in a shared property but in certain cases, for example living in a house in multiple occupation, your rights and responsibilities will be different.
2. The guide does not cover lodgers or people with licences nor tenants where the property is not their main or only home.
3. If you rent a property, it's good to know the questions you should ask of your landlord and your rights and responsibilities as a tenant. This guide does just that. It will help you to create a positive relationship with your landlord, but will also explain what to do and how to get advice and help if things go wrong.
4. Sometimes when you rent a home, people expect you to make a quick decision, or to sign documents before you have had a chance to think about them. Don't be rushed. Take a little time to read this guide and keep a copy to hand. It could help you to protect yourself from any problems that could occur.

Before you start

5. **What will renting a property cost you?** Think carefully about how much rent you can afford to pay. About 35% of your take-home pay is the most that many people can afford, but this also depends on your other outgoings (for example, whether you have dependent children). Advice on affordability is available from Shelter Cymru, Welsh Tenants and Citizens Advice Cymru.
6. If you are on housing benefit or local housing allowance, you will need to check the rents in the area in which you want to live are affordable based on the amount of benefit you will receive. Further information can be found here: <http://gov.wales/topics/housing-and-regeneration/welfare-reform/rentofficers/publications/local-housing-allowance-2015/?lang=en>. If the rent for the property you want is more than your benefit entitlement, you should carefully consider whether you will be able to manage such additional rent payments. After you sign a tenancy agreement, you will be expected to find the money.
7. **How to find accommodation to rent:** Decide on the area in which you wish to live. There are many ways of finding a suitable property. You could use a letting agent, contact your local authority housing options service, or look at advertisements in local newspapers or on the internet. The larger the area you are prepared to consider looking in, the better the chance of finding the right home. It is also worth shopping around and comparing fees and charges and asking views from former tenants, if possible, when considering prospective landlords or letting agents.
8. **Have the required documents ready.** Landlords and agents will wish to confirm your identity, and possibly your employment, immigration status and credit history. They may also require references. Some landlords might ask someone to guarantee your rent. If you don't have a guarantor, ask your Local Authority, Shelter Cymru or Local Citizens Advice Bureau for advice.

Renting from a landlord or letting agent

Direct from a landlord

9. By law, all landlords in Wales must register with Rent Smart Wales, and if they manage their own properties they must also have a licence from Rent Smart Wales. The registration and licensing scheme has been introduced by the Welsh Government to help ensure good standards of management for private rented properties. You should ask the landlord if they are licenced when viewing a property. You can verify if the landlord is licensed, or the property you wish to rent is listed and the landlord is registered, via an on-line check on the website: www.rentsmart.gov.wales

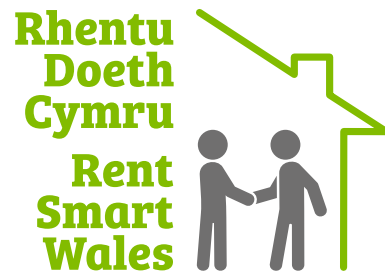
Through a letting agent

10. Ask about the fees and costs you will be asked to pay and when you need to pay them. By law, a breakdown of all fees and costs should be provided in a property advert, in the agent's office or on their website, if they have one.
11. Ask if your agent is a member of an independent complaints scheme. Do they offer client money protection? Ask whether the agent is a member of a recognised industry agent organisation such as the National Approved Lettings Scheme (NALS), the Association of Registered Letting Agents (ARLA), the Royal Institute Chartered Surveyors (RICS) or the United Kingdom Association of Letting Agents (UKALA). This will ensure that (and clarify whether) the agent is part of a Client Money Protection (CMP) scheme which will offer financial protection should anything untoward happen to your money. Also look out for the SAFEAGENT logo <http://safeagents.co.uk/>

Ask whether the agent is a member of a redress scheme which can provide independent adjudication on any complaint you might have.



12. Ask if your agent is licensed with Rent Smart Wales. This is required by law in order to operate their business. Look for the Rent Smart Wales logo. It should be clearly visible to you at the agent's premises and on their website.



Above all, be clear about what you will be asked to pay and who you are handing money over to and why.

Looking for your new home

Questions to ask

13. *Deposit protection.* You may be asked to pay a deposit to your landlord at the start of a tenancy as security for any rent arrears or damage to the property. This should be returned at the end of the tenancy if the accommodation has been left in good condition and there are no arrears. If the landlord asks for a deposit, check that it will be protected in a Government approved scheme. Some schemes will hold the money and some will insure it. This information is something you need to know. You may be able to access a bond or guarantee scheme through your Local Authority which will help you put the deposit together.
14. *How long is the tenancy for?* Landlords will usually ask you to sign for an initial fixed term period of 6 or 12 months. If you want more security, you can ask for a longer fixed term (for example, 3 years) however, this may come with additional responsibilities for the duration of the period. Many landlords are happy to offer longer tenancies. Ask what happens if you wish to stay after the fixed term period is up; will they require you to sign for another fixed term or will the tenancy just move into a periodic tenancy, for example running from month to month. Ask whether this will involve additional costs. Remember, periodic tenancies can be ended much more easily by you but also by the landlord.
15. *Children, smoking and pets.* Check if there are any rules about them, as well as other thing such as keeping a bike, refuse collection and recycling.
16. *Check who is responsible for paying bills such as electricity, gas, water and council tax.* Will it be you or the landlord? Usually the tenant pays for these but you need to find out.
17. *Fixtures and fittings.* Check that you are happy with them, as it is unlikely you will be able to get them changed once you have moved in and signed your tenancy agreement.
18. *Smoke alarms and carbon monoxide detectors.* Check that these have been provided. If not, ask if they can be installed, or consider installing battery powered detectors yourself. They could save your life.
19. *If the building becomes unfit to live in.* Check that the tenancy agreement excuses you from paying rent should the building become unfit to live in, for example, because of a fire or flood.
20. Ask whether the property is *mortgaged*. Landlords should let you know about this upfront, because you may be asked to leave the property if the landlord does not pay their mortgage payments.
21. If you are disabled, you may also wish to ask the landlord if they are prepared to make reasonable adaptations or allow you to pursue funding to do so.

When you've found a place

- 22.** *Make sure you have a written tenancy agreement.* Read it carefully to understand your rights and responsibilities before you sign the agreement. The landlord or agent usually provides one but you can ask to use a different version. Guidance is available here: <https://www.gov.uk/private-renting-tenancy-agreements>
- 23.** *When you enter an assured shorthold tenancy* (the most common type), you are entering into a contractual arrangement. This will give you some important rights but also some responsibilities which you will need to adhere to.

If you have any concerns about the tenancy agreement, seek advice before you sign.

- 24.** *Agree an inventory (or check-in report)* with your landlord. As an extra safeguard, it is a good idea to take photos. This will make it easier if there is a dispute about the deposit at the end of the tenancy. If you are happy with the inventory, sign it and keep a copy. You may also wish to consider making a list of items that you have noticed that need repairing prior to moving in or, during a reasonable time after taking up the tenancy.
- 25.** *Remember to take meter readings* when you move in. This will help make sure that you don't pay for the previous tenant's or landlord's bills if they owe money for gas or electricity.
- 26.** *Contact details.* Make sure that you have the correct details for the landlord or agent, including a telephone number you can use in case of an emergency. You should find out who to tell if any repairs are needed and the process for reporting them.
- 27.** *Code of practice.* Check that whoever is managing the property is licensed and is following the Code of Practice issued by Rent Smart Wales. You can read the Code on the internet if you feel you need to, at www.rentsmart.gov.wales

Your landlord must provide you with:

- 28.** *A gas safety certificate.* The landlord must provide one each year if there are gas appliances in the property.
- 29.** *Deposit paperwork.* If you have provided a deposit, the landlord must protect it in a Government approved scheme. By law, you must be given clear information within 30 days of paying it about how the deposit is being held, including where, and details on how to get your money back at the end of the tenancy. Keep this information safe as you may need to refer to it later.
- 30.** *Energy performance certificate.* This may affect your energy bills and the landlord must provide one before you move in (except in Houses in Multiple Occupation and a few other types of properties, like listed buildings).

Your landlord should also provide you with:

- 31.** A record of any *electrical inspections*. All appliances must be safe and *checks* every 5 years are recommended.

Living in your rented home

You must. . .

- 32. *Pay the rent on time.* If you don't, you could lose your home because you have broken your tenancy agreement. If you have problems in paying your rent, get some advice. It is advisable to set up a direct debit for rental payments with the landlord or agent rather than rely on cash collections. It is worth getting contents insurance to cover your possessions too, because the landlord's insurance usually won't cover your things, but you can ask whether it does. Your Local Authority, Citizen's Advice Cymru or Shelter Cymru (or NUS Wales, if you're a student) can provide further advice.
- 33. Look after the property. Get your landlord's permission before attempting repairs or decorating. Don't forget to maintain gardens if applicable and to use recycling and refuse facilities.
- 34. *Be considerate to your neighbours.* You could be evicted for anti-social behaviour, such as playing excessively loud music, which causes a nuisance, or by breaking the law in other ways by what you do at the property. Do not allow your visitors to engage in anti-social behaviour either. Above all, be responsible. It helps to prevent problems in renting your home.
- 35. *Not take in a lodger* or sub-let without checking whether you need permission from your landlord.

You should also . . .

- 36. *Make sure you know how* to operate the boiler and other appliances and know where the stop cock, fuse box and any meters are located.
- 37. *Test* your smoke alarms and carbon monoxide detector at least once a month.
- 38. *Report any need for repairs* or maintenance to your landlord or agent. You might consider keeping a record of all contact with your landlord or letting agent about repairs and who you spoke to. There could be a risk to your deposit if a minor repair turns into a major problem because you didn't report it.

Your landlord must . . .

- 39. *Maintain the structure* and exterior of the property.
- 40. *Deal with any problems* with the water / sewerage, electricity and gas supplies.
- 41. *Maintain* in good working order any appliances and furniture they have supplied. Including portable appliance testing of electrical items such as fridges or cookers which are fixtures of the property.
- 42. *Carry out the repairs* landlords are responsible for. If something is not working, report it to the landlord (or their agent) as soon as you can.

- 43. *Arrange an annual gas safety check* by a qualified gas safety engineer (where there are any gas appliances).
- 44. Give at least 24 hours' notice of visits when they need access to your home, for example for repairs. Your landlord or letting agent cannot walk in to your home whenever or as frequently as they like.
- 45. Be registered with Rent Smart Wales and have a personal and property licence if necessary.

The landlord should also. . .

- 46. Insure the building to cover the cost of any damage from flood or fire.

At the end of the rental period

If you want to stay

If you wish to extend your tenancy, there are a number of important issues to consider.

- 47. *Do you want to sign up to a new fixed term?* There may be costs associated with this, particularly if you rent through an agent. These should have been notified to you at the start of your tenancy. If not, you will be on a 'rolling periodic tenancy'. This means that you can carry on as before but with no fixed term. You can usually leave after giving one month's notice. Or your landlord can end the contract at two months' notice.
- 48. *Your landlord may want to increase your rent.* Your landlord can increase your rent by agreement or as set out in your tenancy agreement, or by following a procedure set out in law.

If you or the landlord want to end the tenancy

There are things that both landlords and tenants must do at the end of a tenancy:

- 49. *Giving notice.* By law, landlords and agents must give you proper written notice if they want you to leave. Normally, any fixed period of the tenancy must be allowed to expire, and they must have given at least two months' notice. Your tenancy agreement should say how much notice you must give to the landlord or agent if you want to leave the property – one month's notice is typical. Breaches of tenancy can allow the landlord to end your tenancy early, possession can then only be granted through the courts and this can involve costs. If the landlord issues notice then you should contact your Local Authority, Shelter Cymru, Welsh Tenants or Citizens Advice Cymru.
- 50. *Return of your deposit.* You should know who and how an inspection is to be undertaken when ending the tenancy. Try to be present when the property is inspected. By doing this, you will be able to check whether any of the tenancy deposit should be deducted to cover damage or cleaning costs (a 'check out inventory'). Pictures taken when you take up the rental can be helpful in resolving any disputes about deductions. If you do not agree with proposed deductions, contact the deposit protection scheme in which your deposit is protected. It is also useful to take meter readings when you hand keys over. If dealing with a landlord or an agent, it is useful to agree who will provide you with a reference.
- 51. *Rent.* Make sure your rent payments are up to date. Do not keep back rent because you think it will be taken out of the deposit.
- 52. *Bills.* Do not leave bills unpaid. This might have an impact on the reference your landlord or agent is prepared to provide for you to rent another property. It could also affect your credit rating.

- 53.** *Leave the property in a clean and tidy state.* Remove all your possessions, clean the house, return all keys and give a forwarding address. If appropriate, pay attention to the garden as well as the interior of the property. Check you haven't left anything behind. The landlord is entitled to dispose of any possessions left in the property, typically after 14 days.

If things go wrong

There are often legal protections in place for the most common problems that you might experience during a tenancy. The following organisations will be able to help:

54. *If you are having financial problems*, or are falling into rent arrears, speak to your landlord or agent as they are likely to be more sympathetic if you talk to them early on about any difficulties. If you are having problems with your agent and they are part of a redress scheme they will have a written customer complaints procedure which you can use to seek resolution of any issue. If you are not satisfied with the outcome of the in-house procedure you can refer the matter to the redress scheme for adjudication. If you need further advice, contact your Local Authority housing options team, Citizens Advice Cymru, Shelter Cymru or other support agency as soon as possible.
55. *If the property is in an unsafe condition* and your landlord won't repair it, contact your Local Authority environmental health or trading standards department. They have powers to make landlords deal with serious health and safety hazards.
56. *Unannounced visits and/or harassment* from your landlord, contact your Local Authority, or in serious cases contact the police on 101. If you think you are under immediate threat dial 999.
57. *If you are being forced out illegally, contact the police.* If your landlord wants you to leave the property, they must notify you in writing, **with the right amount of notice** – you can only be legally removed from the property if the landlord gets a court order.
58. *Concerned about finding another place to live?* Contact the Housing Department of your Local Authority. Shelter Cymru can also offer advice and support.
59. Depending on your circumstances your Local Authority may have a legal duty to help you find alternative accommodation and, even if not, will be able to give you advice on how to remain in the tenancy if you wish to do so. In most cases, the Local Authority should not wait until you are evicted before taking action to help you. You are legally defined as threatened with homelessness if it is likely you will be homeless in the next 56 days.

Further advice and guidance

60. *Advice and guidance* is available from the following organisations:

- Local Authorities;
- Shelter Cymru;
- Citizens Advice Cymru; and
- Tenantiaid Cymru / Welsh Tenants

Agent organisations:

- NALS www.nalscheme.co.uk
- ARLA www.arla.co.uk
- RICS www.rics.org
- UKALA www.ukala.org.uk

If you are a student:

- National Union of Students Wales; and/or
- your University Accommodation Office.

Glossary

Houses in Multiple Occupation

The living accommodation is occupied by persons who do not form a single household.

People with licences

Someone who rents their home under the terms of a licence to occupy the accommodation. This gives less protection from eviction than an assured shorthold tenancy.

Government approved scheme

An approved scheme for protecting tenancy deposits for the purposes of safeguarding deposits paid in connection with tenancies.

Assured shorthold tenancy

The **assured shorthold tenancy** is the default legal category of residential [tenancy](#) in [England and Wales](#). It is a form of [assured tenancy](#) with limited security of tenure, which was introduced by the Housing Act 1988 and saw an important default provision and a widening of its definition made by the Housing Act 1996.

Inventory

A detailed list of articles, goods or property contained within the property you wish to let.

Code of practice

The rules and recommendations that landlords and letting agents have to abide by if they wish to be licensed.

Tenancy agreement

A tenancy agreement is a **contract** between you and your landlord. It may be written or oral. The **tenancy agreement** gives certain rights to both you and your landlord, for example, your right to occupy the accommodation and the landlord's right to receive rent for letting the accommodation.

Sub-let

Sub-letting happens when an existing tenant lets all or part of their home to someone else who is known as a sub-tenant. Many tenants need permission before they can sub-let.

Rolling periodic tenancy

A periodic tenancy is a tenancy which runs from month to month, or less commonly from week to week. Some run from quarter to quarter or even year to year, but the vast majority run from month to month.