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Rental Property Knowledge: a website for Landlords, Letting Agents and Tenants. This site hosts the **UK's busiest rental property forum**

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LandlordZONE

RENTAL PROPERTY KNOWLEDGE

Welcome—November 2008

I don't need to tell you things are bad—the **1.5% rate cut** says it all and although the feeling is that the banking situation is solved, this cannot be taken for granted.

The banks & building societies are not out of the woods yet, and the overspill to other industries and financial institutions is only just beginning.

The question we must ask now is not how much more pain a government devoid of reserves and totally reliant on borrowing can take—it's how the knock on effects will hit us and the economy as a whole.

With house prices set to fall further, and inflation heading to zero, and perhaps below, interest rates could fall to 2% or less in the coming months.

Fortunately for landlords the rental market has held up very well, though increasingly unsold houses are adding to the supply, with the danger that rents will be pushed down.

On the commercial scene, increasing business failures will

lead to more voids, and it absolutely beggars belief that a government should impose full **empty rating charges** at a time like this—when these properties, if vacant, will be very hard to re-let.

The policy is already resulting in landlords and developers demolishing perfectly good buildings, moth-balling developments and in extreme cases—going bankrupt.

Astute investors should be planning their recovery strategy now, looking to allocate their assets sensibly and safely in the meantime while looking to take advantage of opportunities in the bounce back when it comes.

Something investor landlords would do well to factor in for the future is the energy situation and environmental measures: increasing problems with oil and gas supplies and higher prices will inevitably lead to scarcity and possible power shortages in the UK.

Alternative energy sources such as wind farms will not



make up for this and improved technologies such as clean coal and nuclear have very long lead times.

Increasingly landlords will be asked to invest in energy saving measures and meet demanding new standards for energy efficiency.

On 1 December the **Climate Change Bill** becomes law with serious emission reduction targets—80% by 2050.

It is being suggested that all new commercial building should be zero carbon by 2019—a serious challenge.

This brings us to this month's topic—**Energy Performance Certificates**. It doesn't take a genius to work out how these will fit into the government's and EU strategy on emissions and how taxation will be used as both a carrot and a stick on gas-guzzling properties and landlords, just as they do with vehicles.

November 2008 Newsletter Topic—review of the EPC

The **Energy Performance Certificate (EPC)** is now a legal requirement for commercial and domestic properties—prior to selling or renting.

It's early days yet as the requirement for domestic rentals has been in force all-but two months, but landlords are slowly coming to terms with this.

As two environment related bills just completed their passage through Parliament—The Energy Bill and the Climate Change Bill—both of which will present significant changes and challenges to landlords—we review the initial impact of EPCs and

the new environmental challenges.

The heating and air conditioning of buildings are by far the most thermally intensive uses of energy in the UK—much more so than with vehicles.

This means that property developers and owners will be targeted in the near future.

Developers will be expected to produce carbon neutral houses by 2016 and commercial buildings by 2019 - compulsory for new builds.

These new measures and their energy tax implications will in

turn put pressure on landlords with existing properties to improve their building's energy efficiency, if they are not to lose out when competing with new-build properties for tenants.

These new laws will give a clear legislative framework for the future of estate management. All-party agreement means that their main provisions are here to stay; they can be relied on not to change fundamentally.

So it's well worth while studying these requirements now in the knowledge they can form the basis of your future planning. Tom Entwistle.

Facts about Energy Saving

There are lots of stats on this—it does make sense try and to save.

With around 50% of the heat lost in the average home through the walls and loft, there is a massive opportunity to save a huge amount of money and reduce carbon dioxide emissions significantly in several ways:

If everyone in the UK installed loft insulation up to 270mm thickness, the equivalent financial saving would pay the energy bills of over 640,000 families for a whole year.

If everyone in the UK that could, installed cavity wall insulation, we could cut carbon dioxide emissions by a huge 7 million tonnes.

That's enough carbon dioxide to fill nearly 40 million double-decker buses or fill the new Wembley stadium 900 times!

If everyone in the UK upgraded their old fridges, freezers, washing machines, tumble dryers and dishwashers to an Energy Saving Recommended product, energy wastage would be cut by over two thirds.

Enough carbon dioxide would be saved to fill 24 million double-decker buses.

There would also be enough electricity saved to run the UK's streetlights for 6 years

If every household installed just one energy saving light bulb, the electricity saved in a year could power the Blackpool Illuminations for nearly 900 years and there would be enough carbon dioxide saved to fill the Royal Albert Hall 1,980 times!

Landlord & Buy-to-Let Show

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Feed-back from the EPC Providers

Most landlords we deal with are now aware of the requirements and the larger portfolio landlords seem to be implementing their EPC requirements in one batch or a rolling programme.

Tenants seem to have little awareness of the requirements yet but it will not affect them until they move.

We have more resistance with landlords with 1 property and not using agents—some have slipped the net in understanding this legal requirement and some have confirmed they intend to ignore it until OFT ask for a copy (not helpful)

Lots of landlords wait until their tenancy is up for renewal whereas our advice is avoid

expensive void periods and get them done in this tax year, plus look at the grants / tax incentives that could be on offer to upgrade your property.

There are some very cheap providers in the market but like most things you get what you pay for. Landlords need to bear in mind if they have a question on this EPC in 5 years' time (valid for 10 years) will that DEA still be in the market. If they are charging a small fee how long and how thorough are they going to be in the property? Every Domestic Energy Assessor (DEA) will need to complete a fixed number every day to ensure they meet their overheads.

Landlords should also be aware

that whilst all DEAs have Professional Indemnity insurance they may not have Public Liability and Employer's Liability Insurance, whereas a reputable firm will.

Of course, who you choose to carry out the EPC is a personal choice.

We are now seeing a number without [Report Reference Numbers](#) (RRNs) - this means they have not been lodged and have been made up - a very worrying development in EPCs, both for HIPS and the rental market.

Klayre Smith, Head of Client Services, Connells Survey & Valuation Ltd

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Grants & Incentives for Landlords

As you should be aware from October 1 2008, landlords must provide an Energy Performance Certificate to people who want to rent a home from them. Energy Performance Certificates come with a recommendations report which provides information about ways to improve the energy efficiency of your property, and the rating that could be achieved if all the recommendations were implemented. There are a number of schemes available which provide financial assistance to help landlords improve the energy performance of their property.

The Landlord Energy Saving Allowance (LESA)

Private and corporate landlords can claim back up to £1,500 per property for the installation of energy saving measures with this allowance, introduced by the Government in 2004. The allowance can be used to make improvements to the loft, cavity wall, floor, hot water system, draft system and solid wall installation.

To claim the relief, landlords should include the costs as a

deduction in their self-assessment tax return. For more information, visit HM Revenue & Customs www.hmrc.gov.uk

Local Council Benefits and Grants:

To help UK landlords make improvements to their properties, local authorities and councils offer a variety of grants and financial assistance. Levels of assistance differ from council to council. The Energy Efficiency Centre is a jointly-funded service by the Government and the Energy Savings Trust and provides information on local authorities and grants. For support, contact the centre on 0800 512 012. Warm Front—For tenants of private landlords who wish to make insulation and heating improvements to their property, grants of up to £2,700 are available. Tenants must be in receipt of certain benefits to qualify for a grant. These include income support, council tax or housing benefits, a job

seekers allowance or pension benefit. Alternatively, if the householder is aged 60 or over, or has a child under 16 in receipt of the same benefits, they are eligible to apply. Landlords are not required to make any financial contribution, however they must give permission for their tenants to carry out the work on the property. To apply for a grant, tenants must contact Warm Front and have an assessor visit the property to assess any improvements that could be made. For further information visit www.warmfront.co.uk

Energy Supplier Grants

Subsidised rates on insulation as well as certain grants are available from energy suppliers. If you rent a property, or own one, you could be entitled to discounts on your cavity and loft insulation, as well as certain other grants. For further information on grants and subsidies available visit the Energy Savings Trust at www.energysavingstrust.org



[Accountz](#) is the fastest personal and business bookkeeping software you will find. It's also the easiest to use. You know the feeling: pile of receipts to enter, all jumbled up, it's the last thing you feel like doing, right? Well, Personal and Business Accountz will change your outlook.

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- **Rent Guarantee and Legal Expenses** - insurance.

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Using Energy as a Marketing Tool

If you buy yourself a new washing machine, or any other household appliance these days, you expect it to meet the latest environmental and energy savings specifications—most new appliances do.

If you then transfer this thinking to your rental properties, any tenant that gets this same energy saving specification from his or her rental will be delighted, because, quite frankly, they will be in a minority at the present time.

Most rental properties today do not anywhere near meet the highest specifications in terms of energy savings, so landlords willing to meet the standards ahead of the competition—and there is increasing competition for tenants - creates a huge differentiating factor in their favour.

Research shows that 79% of renters are worried about the cost of their household bills.

At LandlordZONE, as the cold weather starts, we always see an increase in the number of enquiries, usually from tenants, about mould and condensation.

Invariably the landlord gets the blame, but usually it's due to lack of adequate heating. But it's understandable when it costs a fortune to achieve the right (20 degrees C) constant temperatures in properties with poor insulation.

This is at a time when bills are a hefty slice of UK households' expense budget, with the average UK household currently paying the equivalent of 20% of the average rent (£6760) on their gas and electricity bills (£1360).

With the number of new tenan-

cies mounting – by 20% in the past three months - and with fuel bills continuing to rise, landlords can appeal to the growing supply of tenants by responding to their concerns over fuel bills:

- after location, household bills are now the most important factor in choosing a property to rent – 22% saying that the level of household bills had an 'extreme effect' in their decision-making

- whilst noisy neighbours, permission to paint on the walls and aspect of houses feature highly in rental decisions, it is financial concerns which top the chart of questions to ask landlords – over a third (35%) of renters rank council tax in their top three factors to ask landlords, and 34% rank household bills in their top three factors.

- over a quarter (27%) of renters regretted that they hadn't found out about the level of household bills beforehand, and wished they'd asked their landlord when looking for the property.

Despite renters losing sleep over bills and the ability to save £300 a year through energy efficiency measures, 77% of renters believe that their landlords don't care about energy efficiency.

Landlords may not be banking on the potential to reduce household bills, and attracting tenants wanting more cash in their pockets.

What's more, help is at hand for landlords, offsetting the cost of installing energy savings measures against income tax
Energy Performance Certifi-

cates offer tenants and landlords an opportunity to identify the standards a rental is meeting by providing clear information on a building's energy efficiency and it also recommends cost effective improvements.

The EPC will help those enlightened tenants who look for better value and more energy efficient rental properties, as well as landlords who are willing to invest and, more than ever, are keen to attract responsible and committed tenants."

Long term there is only one way energy prices will go, despite recent drops in the price of oil cause by a world-wide recession.

Rising energy prices and leaner economic times will mean that tenants will increasingly recognise the need to live in properties which are fuel efficient and don't waste their money.

Now, landlords in England and Wales will have to provide this critical information up front, enabling tenants to make more informed decisions about where they choose to rent. Landlords who own properties without proper insulation or older, inefficient boilers could find tenants are looking for energy efficiency and ever-cheaper fuel bills."

David Salusbury, Chairman, NLA "Landlords should get their EPCs sorted out as quickly as possible so that they are ahead of the game when it comes to re-letting a property. Every landlord hates void periods and needs to be in the position to react quickly when an existing tenancy ends. Equally, tenants may be interested in energy efficiency - some for green motivations, but more as indication of their fuel bills. A happy tenant is a longstanding one."



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Condensation & Mould: a cold weather problem

One tenant enquirer we had this week about mould in her wardrobe was blaming her landlord. It turned out she can only afford to heat one room—her bedroom goes without heating—risking her health!

Mould is usually caused by condensation or dampness which is often far from straightforward in terms of causes but a common problem.

It can be caused by defects in the property itself, or the way the occupants are living, especially at this time of year.

Property defects include water ingress from roof, gutters, defective drains, walls etc, or internal pipe leaks, inadequate insulation, heating or systems.

However, it's just as likely, in fact in my experience more likely, to be caused by lack of heating and ventilation by the tenants. Are tenants keeping the heat up during the day time and are they outside ventilating any steam created from their kitchen and bathroom?

Have you monitored the actual room temperature over a period, particularly in the coldest parts of the house such as bedrooms? An overly cold bed-

room will result in condensation just from the breathing of occupants overnight - forms on walls, windows, wardrobes, clothes and results in a musty smell and mould on clothes.

In order to avoid condensation, the room temperature should be kept as constant as possible. A constant room temperature of 21°C and a relative atmospheric humidity of about 40% in the rooms provide healthy living conditions. Moreover this combination hardly ever causes any problems with condensation on the window panes - the first place to show.

Steam always condenses on cold surfaces particularly in bedrooms if it is very cold.

A well heated house rarely suffers from serious condensation problems. Tenants often neglect this point and, understandably but mistakenly create this serious problem in their attempts at frugality.

Unfortunately, once the problem has been created by just one occupant in a series of others, the spores get a hold and will re-appear immediately the conditions are favourable again - i.e., lack of adequate heat or ventilation.

Hence all the landlord can do is try to persuade tenants to adequately heat and ventilate the property, to paint over mould, and ideally to thoroughly dry out with periods of high heat or dehumidification.

This is a serious health issue, usually blamed on the landlord, and there could be legal claims, but be aware that if tenants are contributing to the cause—failing to provide heating - then the landlord may have a case to pursue a dilapidations claim.

Landlords see a series of tenants. If it's the case that the property is perfectly fine with some occupants, but not with others, then he/she can conclude that the problem is not down to property defects.

Some properties, particularly older ones with solid walls, as opposed to cavity walls with good insulation, are more prone to the problem, but that's a fact of life with older property - not a defect as such. They just need a little extra heating and therefore cost more to run. Even so, insulation can be improved and in the worst cases positive ventilation may be necessary.

Useful Links:

[EPCs—A Guide for Landlords](#)

[Energy Savings Trust](#)

[Association for the Conservation of Energy](#)

[Condensation & Mould](#)



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The policy cost is £131.00 for 12 months cover. With a TenantVERIFY® comprehensive check this cost is discounted to **£116.56**



Review: How to Avoid Tax on Foreign Property—Carl Bayley—[Tax Cafe](#)

Another in the series of Tax-Cafe's layman's guides to taxation written by Chartered Accountant—Carl Bayley.

As Carl says in his introduction to this comprehensive 300 page guide: "my job is to translate tax into English"

That is no mean feat when you consider the complications of our own tax system, let alone the added complications of the tax regime in a foreign country as well.

The guide covers the basics of property laws and taxation

in foreign countries generally and in some detail in France, Spain, Bulgaria, Italy, Portugal, Cyprus, Dubai and the European Union rules.

There are sections on rental income, capital gains, investing & trading, using a company, foreign exchange, domicile and quite more. Written, as you would expect, in a straightforward plain English style, using case studies and examples to clarify, the author gives ample tax tips and health

warnings.

The aim is to help you pay the absolute minimum of tax necessary to stay within the laws—a challenge considering the complexities.

For anyone contemplating buying abroad, or those already invested, I would say you would be hard pressed to find anything better to give you a good solid understanding. Even if you use an accountant, you need a basic understanding yourself.

Tom Entwistle



Forthcoming Reviews

December 2008—Property Makeover Price Guide 2nd Ed—Organising and Budgeting for home improvers and developers based on the professional price guides used by chartered surveyors—published by [BCIS / RICS](#)

January 2009—The Buy To Let Manual—Book—Tony Booth—3rd Edition—A clear and concise guide for the landlord written by an experienced letting agent—[How to Books](#)

February 2009—Reposessed Property Bargains—All you need to know about buying a repossession by Catherine Dawson—[Law Pack](#) Publishing

Money Back Mortgages

In 2006 www.moneybackmortgages.com was set up to give consumers like you an impartial service where you can search for and arrange your next mortgage with the added benefit of receiving 50% of the commission received by us.

The website has proved particularly helpful for **Buy to Let landlords** who generally remortgage on a regular basis to lower their monthly mortgage costs. With interest rates increasing, here is a way of lowering your remortgage costs.

If you arrange your next Buy To Let mortgage through us you can expect to receive on average £337.09 per property**.

** This represents the commission payable to clients who have arranged a Buy to Let mortgage through us. Correct as of October 2007.

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The software requires no accounting knowledge and uses a simple **income/expenditure approach** in a simple familiar windows/

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nances but also help you with your day to day management tasks giving you a total solution for managing your portfolio.

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Forthcoming Issues—LandlordZONE Newsletter...

December 2008—Successful Strategy & Goal Setting for 2009—Develop a successful investment strategy—set some powerful goals for success with the help of this experience motivational coach - [Yvonne Emery Coaching](#)

January 2009—Kate Faulkner of [Designs on Property](#) on **Using Letting Agents** for Belvoir. Landlords can benefit considerably from the pro-

fessional expertise of agents, but there are many trips and traps to look out for.

February 2009—Training for Landlords and Letting Agents—The [Guild of Letting and Management](#) have long been associated with running quality training and recognized courses and property management qualifications for letting agents and landlords.

January 2009—**Kate Faulkner will be explaining the pros and cons of using letting agents.**

Kate is a property author, consultant and regular speaker on property matters.

She is a business development consultant to Belvoir Lettings and runs her own website:

designsonproperty.co.uk



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Important news for Landlords:

In a landmark **TDS** appeal case (**Harvey v Bamford Aug 2008**) judge Bullimore has over-ruled a previous judgement that a landlord had to re-pay a tenant in arrears his deposit and a fine equal to three-times the deposit because the prescribed (s.213) notice had not been served within 14 days. An AST starting in June 2007 (deposit registered with TDS but prescribed notice not served). The landlord issued possession proceedings due to rent arrears but an issue was raised that the claim could not proceed due to the landlord's failure to comply with sections of the 2004 Housing Act. The landlord accepted that the information had not been given, although it had subsequently been given to the tenant in February 2008.

The possession proceeding were suspended while the tenant applied to the court for the return of his deposit (£525) plus the penalty (3 times the deposit—£1,575) which the judge allowed. The landlord appealed (supported by the RLA) claiming that the judge had no right to award repayment of the deposit and the penalty amount where the information had actually been given, albeit later than specified.

The appeal was allowed, the judge arguing that a distinction is made in the Act between the requirement to give information in the prescribed form AND the timing of the giving. He said the provision in section 214 for the repayment and penalty applies only to breaches of the first requirement. Landlords should take note of the consequences of this ruling. Interestingly the judge thinks that the DPS operating bodies are not themselves complying with the provisions of the Act!

Land Registry—LandlordZONE has been contacted by The Land Registry Office with a request to warn landlords and property owners of the risks of **registration of fraudulent property transactions** with the Land Registry. The LR is responsible for keeping a register and guaranteeing titles to land and interests in property. **It is very important that landlords keep their contact details (address for service) up-to-date**—this is the address to which correspondence is sent when applications are received. The buy-to-let sector is a common target for fraudsters, especially if the buy-to-let rental property address is the address for service. Be warned!



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Phone: 0845 260 4420

Fax: 0870 199 2697

E-mail: editor @ landlordzone.co.uk

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This issue of the LandlordZONE Newsletter reviews the current state of affairs regarding the implementation of EPCs which came into force for domestic properties in England & Wales on 1st October 2008.

Some information has been supplied by Blue Rubicon on behalf of The Department of Communities & Local Government and by Connells Survey & Valuation Limited.

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Property Tax Portal was founded in September 2003 by Amer Siddiq who is the managing director of the parent company Tax Portal Ltd. Amer, a former IT professional and property investor himself, is supported by a team of highly qualified tax professionals. They produce the highly successful Landlords Property Tax Manager Software and now run regular Tax Seminars for Landlords and Property Investors. The website is packed full of useful information and products to help minimise your tax payments.



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