



The key to peace of mind

Renting out your property may seem like an easy source of income, but it can also be a legal minefield. If there are disagreements between you and your tenants, it can quickly become a drain on your time and resources. The best way to avoid this is to take the right legal advice at the start.

Solicitors can deal with all areas of Landlord and Tenant Law and are skilled in settling disagreements. But prevention is better than cure. Before you even look for a tenant, a solicitor can help you decide what the terms of the tenancy will be and can build these terms into 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 verbal. In England and Wales there is no law to say that landlords have to provide a written tenancy agreement, but it is a good idea 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 your rights and responsibilities as a landlord in a way that is legally enforceable. This keeps disagreements to a minimum because both sides know where they stand.

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

Assured shorthold tenancy

This is normally for at least six months and the tenant has fewer rights to stay at the end of the tenancy period agreed.

Assured tenancy

This is used mostly by housing associations and registered social landlords but occasionally by private landlords too. 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 period agreed.

Getting advice

Ideally, you should contact your solicitor 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.

A solicitor can:

- explain the different types of tenancy agreement and identify the most suitable for you;

