

TENANCY COMPLIANCE HEALTH CHECKLIST

Property Address:

PRE-TENANCY

CONSENTS TO LET

- ☐ If there is a mortgage, is all the paperwork in place to allow the landlord to let the property?
- ☐ Does the landlord have landlord insurance?
- ☐ If leasehold, is the landlord sure they are not in breach of any covenants?
- ☐ Is the landlord registered with ICO?

SAFETY LEGISLATION

- ☐ Furnishing and fire regulations - for furnished properties, is all the furniture compliant?
- ☐ Smoke & Carbon Monoxide regulations - smoke alarm on each floor?
- ☐ Carbon monoxide detector in each room with a gas appliance or solid fuel appliance?
- ☐ Gas Safety certificate: completed by a gas safe engineer before tenancy start date?
Date of Expiry:.....
Any warning notices?.....
- ☐ EICR certificate conducted by a competent engineer? Highly recommend that they are registered with a regulatory body.
Date of Expiry:.....
Any warning notices or recommended remedial works?.....
- ☐ PAT test conducted on any portable appliances in the property?
- ☐ Have a valid Energy Performance Certificate with a rating E or above to comply with the minimum energy efficiency standards?
Date of Expiry:.....
Energy Rating:
- ☐ HHSRS risk assessment on file?

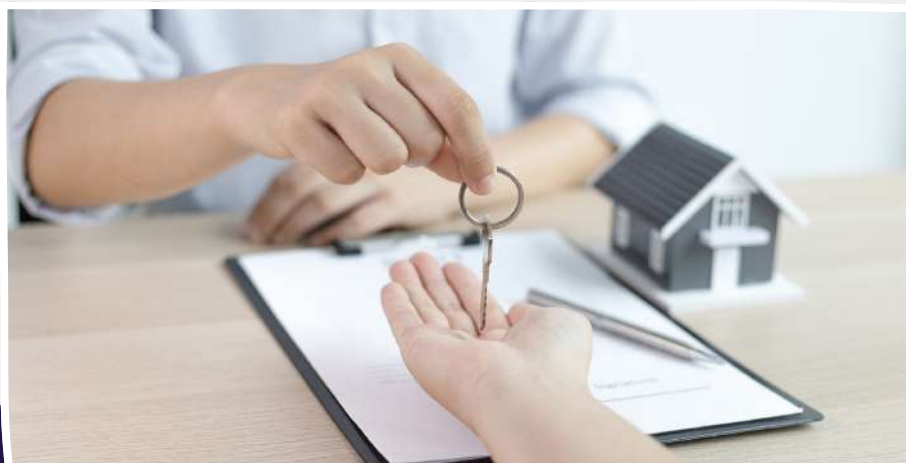


SETTING UP A TENANCY

- ☐ Full references for all tenants on file?
- ☐ Right to Rent checks on all over 18 year old occupiers?
- ☐ Time sensitive visas? If so, dates of expiry added to CRM system to check back?
- ☐ AML sanction checks done on all tenants and recorded?
- ☐ Keep copies of all relevant documents, passport etc, secure in line with GDPR regulations?
- ☐ Proof that the Prescribed Information has been served to tenants within 30 days of receipt?
- ☐ Deposit monies taken and protected with relevant scheme?
- ☐ Deposit protection certificate downloaded and served to tenants? Within 30 days of receipt.
- ☐ Proof that the Gas Safety cert has been served to ALL tenants' pre-tenancy?
- ☐ Proof that the EPC has been showed to tenants pre-viewing and given to ALL tenants' pre-tenancy?
- ☐ Proof that the correct version of the How to Rent Guide has been served to ALL tenants?
- ☐ Proof that a copy of the EICR has been given to tenants prior to the start of the tenancy? (this document does not form part of The De-regulation Act).

Proof of service of all of these is essential if you ever need to give notice as without this, the application (notice 6A) for possession to the court will be dismissed.

- ☐ Assured Shorthold Tenancy agreement in place which outlines the fixed term of the tenancy, rent payments and all obligations?
- ☐ Proof that the tenancy agreement given to tenant's pre-tenancy start date in order for them to read and understand (and obtain legal advice if necessary)?
- ☐ Tenancy Agreement signed by all parties?
- ☐ Guarantors: referenced in line with tenants?
- ☐ Guarantor ID received and address/contact details saved on file?
- ☐ Guarantor deed signed by all parties and executed?
- ☐ Thorough inventory report obtained on property to include dated photographic evidence?



STARTING THE TENANCY

- ☐ Each tenant has signed all documents in relation to the tenancy and have copies of all documents?
- ☐ Confirmed your bank details and how and when your tenants pay their rent? (this should also be in the AST so it is clear and defined)
- ☐ Tenants issued with inventory and made aware of their obligations to sign and return within a designated time or alternatively attended and gone through the documents, mutually agreeing and signing the documents off?
- ☐ Attended the property on the day of move in and prior to handing over the keys to check all smoke / carbon monoxide alarms are in working order, documenting that they are in working order and then ensuring tenants are aware of their responsibilities regarding these alarms. Complying with the Smoke and Carbon Monoxide regulations 2015 (amended 2022)?
- ☐ Make tenants aware that under the terms of their tenancy agreement you will do periodic inspections in line with the Housing Act Regulations giving them a minimum of 24 hours notice and to include how often you will be doing them. Ensure that you are not in breach of their quiet enjoyment and avoid breaching the Protection from Harassment Act 1997.

DURING THE TENANCY

- ☐ Ensure that the Gas Safety certificate date remains valid, not allowing it to run out at any time.
- ☐ Proof that the Gas cert is served to the tenants within 28 days of it being renewed?
- ☐ Ensure that the electrical check are completed in line with the correct dates and proof of service to the tenants?
- ☐ Ensure that Right to Rent checks are obtained during a tenancy where by there was a time limit when checking prior to tenancy commencement. Checks must take place before the date expiry or 12 months after the initial check - whichever is later.

INSPECTIONS

- ☐ Completed at regular intervals - every 6 or 12 months?
- ☐ Any previously under 18's need their right to rent status checked? If so, completed and on file?
- ☐ Documented photographic reports from inspections on file?
- ☐ Evidence of maintenance works being received and responded in writing?
- ☐ Audit trail of maintenance recorded on inspection and follow up actions?
- ☐ All rooms, basements and exterior etc checked during inspection?

If during these inspections, you see any sign of illegal activity you are obliged to report to the relevant authorities or you could be charged under The Proceeds of Crime Act 2002. Any signs of unauthorised occupants must have their ID verified. Failure to provide the ID will result in you needing to report the unauthorised occupiers.

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- ☐ Complete all maintenance issues in a timely manner keeping tenants informed and getting their permission each time someone has to enter the property (even if they have notified you of the problem, they still have the right under the Landlord and Tenant Act 1985 & Protection from Harassment Act 1977 to confirm who goes into their home). Keep all interactions documented with in depth notes in the case you need this for evidence at a later date.
- ☐ All information in relation to the tenancy must be secure and be aware not to disclose any unnecessary details regarding your tenants. This ensures compliance with the General Data Protection Regulations.

Area of compliance	Offence	Penalty	Enforcing Body
Gas Safety	No annual gas safety certificate (CP12)	Unlimited fine and/or imprisonment	HSE / Local Authority
Electrical Safety	No valid EICR or incomplete remedial work	Up to £30,000	Local Authority
Fire Safety	Failure to comply with Fire Safety Order	Criminal prosecution	Fire and rescue authority
Smoke / CO2 alarms	No working alarms on day on move in	Civil penalty up to £5,000	Local Authority
Right to Rent	No right to rent checks conducted	Up to £20,000 per tenant	Home Office
Deposit Protection	Failure to register deposit within 30 days	Up to 3x deposit & Section 21 restrictions	County Court
How to Rent Guide	Not served to tenant at start of tenancy	Invalidates Section 21 notice	Court

If you would like some further advice, please do not hesitate to reach out!



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