

Subletting your property

Can I sublet my property?

Your lease may allow you to sublet your property, but you might need your mortgage lender's permission to sublet.

If you sublet your property, the lease terms will still apply to you, so you are responsible for your tenants' conduct, keeping the property in a good state of repair and paying the service charges and so on. If the terms of your lease are breached (for example, if your tenants or their visitors cause a nuisance in the property or surrounding area) we will take action against you as the legal owner of the property.

You should therefore sublet your property on similar terms to those of your lease. For example, you could ensure the reasonable behaviour of your tenants by inserting anti-social behaviour clauses into your tenancy agreement with them.

Are there restrictions on subletting my property?

Under the terms of your lease you cannot sublet your home for 90 days or less (sometimes known as short letting or holiday lets). You would also need the council's planning permission to let your property for less than 90 days and without it you would be breaking the law and could be fined up to £20,000.

Your property is designed for a certain number of people to live in and we would request that you limit the number of people living in your property under your subletting agreement. Overcrowding is often the cause of complaints about noise nuisance.

Why must I register my sublet?

Firstly, the lease requires that within one month of subletting your property, you must provide us with a certified copy of your tenancy agreement and pay a registration fee for this.

Secondly, we are responsible for the security of the building your flat is in, and for reducing anti-social behaviour. To help with this, we need to know which properties are sublet, and yours and your tenants' contact details. This allows us to contact you or your tenants in emergencies to minimise problems such as water leaks or kitchen fires. It is also essential that all correspondence, legal notices and bills are sent to your correct address.

How do I register my sublet?

Within 30 days of subletting your property to new tenants, you must send the following to Moreland Estate Management, 5 Sentinel Square, Hendon, London, NW4 2EL:

- a copy of the tenancy agreement signed by you to confirm that it is a true copy of the original
- a completed sublet registration form
- a registration fee of £30.00 (cheques should be made payable to *Moreland Estate Management*).

You must register each new tenancy in the same way. This includes if any of the tenants registered in your sublet are replaced or a new tenant moves in, as this effectively creates a new tenancy.

You should always enclose your own contact details and those for the managing agent/housing association (if applicable). We will not contact you unnecessarily however there may be occasions when we need to make urgent contact. An email address for contact is recommended, particularly if you are likely to be overseas.

If you would like a sublet registration form, please telephone us on 020 7043 4260 or email us at mail@morelandestate.co.uk

What if I'm renewing or extending a tenancy agreement?

If any registered tenancy agreement with the same tenants is renewed or extended, you only need to confirm this to us in writing and send us a copy of the tenancy renewal document. You won't need to pay the registration fee again for this.

What if I'm subletting to a housing association?

You must still register your sublet. However, in addition to providing a copy of the tenancy agreement between yourself and the housing association, you must also provide a copy of the tenancy agreement between the housing association and the tenants living in your property. You must also provide both the contact details of the housing association and actual tenants living in your property, so that we can contact them in an emergency.

What if I'm not living in my property or subletting it?

If you don't live at the property but are not subletting it (for example, if your relatives live in the property rent free, or if you use it as a second home) you must still complete a sublet registration form each time there is any change in occupancy. There is no registration fee for doing this. You must also inform us of any changes to your contact details.

If your property is left unoccupied for more than a month you must inform us, as this may affect any building insurance claim that you make.

I'm a freeholder. Do I still need to register my sublet?

You don't have to register your sublet with us if you own the freehold of your property. However, as a good landlord we would be grateful if you could give us yours and your tenants' contact details so we can contact you in emergencies. You won't have to pay a fee for registering your sublet.

Things to consider when subletting your property

As a landlord, you will have legal responsibilities towards your tenants. Before you agree to sublet your property to someone else you should look into it thoroughly. You may want to contact the Citizens Advice Bureau or a solicitor to ensure you are legally protected.

Your responsibilities as a landlord include the following:

- ensuring that all furniture and furnishings you provide complies with the Furniture & Furnishings Fire Safety Regulations 1998;
- repairing heating and hot water installations, sinks, basins, baths and other sanitary installations that you own within your property;
- ensuring that all electrical appliances supplied in your property are safe to use;
- ensuring that all gas appliances, pipe-work & flues are safe and well maintained (for further details on this, see the section 'Important information about gas safety' below).

You should check with your home contents insurer if your policy will provide cover if you sublet your property and make arrangements to extend the cover if it doesn't. You may need to change insurers to a specialist insurer in sublet properties.

Important information about gas safety

Under the Gas Safety (Installation & Use) Regulations 1998, you are legally responsible as landlord for ensuring all your gas appliances, pipe-work & flues are safe and well maintained.

You must arrange for a gas safety check to be carried out by a Gas Safe registered engineer every year. You must also give your tenant(s) a copy of the CP12 gas safety check record when they move into your property, and give them a copy of the new CP12 every year.

Non-compliance with the Gas Safety regulations can result in criminal prosecution.

For more information on gas safety you can call the Health & Safety Executive information hotline on 08701 545 500 or visit their website www.hse.gov.uk/gas/index.htm

You should also consider fitting smoke alarms at the property (mains operated rather than battery operated) and a carbon monoxide alarm.