

Warning for residential Landlords

There is currently a draft bill awaiting Parliamentary approval, which if approved will require Private Rented Sector Landlords from the 1st October to have;

1. At least 1 smoke alarm installed on every story of their rented property which is used as living accommodation and;
2. A carbon monoxide alarm in any room used as living accommodation where solid fuel is used.

It is an obligation of the Landlord to ensure that the alarms are working at the start of each new tenancy.

After the Landlords test on the 1st day of the tenancy, Tenants should take responsibility for their own safety and test all alarms regularly to make sure they are in working order. Testing monthly is generally considered an appropriate frequency for smoke alarms, and if Tenants find their alarm/alarms are not working during the tenancy they are advised to arrange a replacement of the batteries or the alarm itself with the relevant Landlord.

You may be wise to include a clause in your new tenancy agreements obliging the Tenant to test their smoke alarm on a monthly basis throughout the tenancy.

If the regulations are approved Landlords are expected to be compliant from the 1st October 2015 when the regulations come into force.

There will be no grace period after this date to install the required alarms, therefore if you do not have the required alarms in the house by the 1st October you should make arrangements with your Tenant to allow you access to install the alarms by this date.

If the Landlord does not comply and the local authority has reasonable grounds to believe that the Landlord has not complied with the regulations a remedial notice will be issued, if the Landlord fails to comply with the notice ie become compliant within 28 days of the notice they could be fined up to £5000.

If your Tenant will not allow you access to install the alarms or take remedial action then the Landlord must write to the Tenant to explain that this is a legal requirement and that it is for the Tenants own safety. We would advise that you send a letter to the Tenant giving them 7 days to respond, if they do not respond then you should request a solicitor's letter to be sent to the Tenant. If you are still unable to gain access after this and the local authority contacts you with a remedial notice detailing a suspected breach of the required action then you have written evidence demonstrating that you have taken all reasonable steps other than legal proceedings to become compliant.

You can find more details about the regulations and frequently asked questions on the Government website.