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PROTECTED

Trust the experts

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Regional and national ARLA Propertymark Conferences keep our members up to date with legislation and the latest thinking on industry best practice.



Change is coming to the private rented sector in Northern Ireland.

A new law for Houses in Multiple Occupation has been passed and in January 2017 the Department for Communities put forward wide ranging proposals to change how the sector operates. These included: the creation of a fast track eviction service; requiring smoke alarms and carbon monoxide detectors in all privately rented property; minimum energy performance standards; develop a tenant information pack.

It's now more important than ever that landlords use an agent that they can trust, is qualified and provides you with protection.

ARLA Propertymark has long been at the heart of the private rented sector, providing letting agents with training and legal advice and supporting over 9,000 letting agents across the UK to help landlords.

Agents who display the ARLA Propertymark Protected logo are up to date on the latest legal changes and offer higher levels of protection than are legally required. But we also hold these agents accountable. We expect them to meet high standards, hold client money separately and have their accounts independently inspected regularly.

ARLA Propertymark has been providing financial protection for landlords and tenants for years. We led the campaign for all letting agents to have Client Money Protection in Scotland, Wales and England. We now want to see similar measures introduced in Northern Ireland.

You have a choice, protect yourself, your property and tenants or choose an agent with the tools to do it for you.

David Cox
ARLA Propertymark
Chief Executive

WHY USE AN ARLA PROPERTYMARK PROTECTED AGENT?

Agents do not currently have to be qualified, anyone can set up a lettings agency but only an ARLA Propertymark agent offers true protection and peace of mind. All agents who belong to ARLA Propertymark are required to operate in a transparent way, providing services which are subject to independent scrutiny. Any agent who falls below Propertymark's standards will be subject to disciplinary action.

USING A PROPERTYMARK PROTECTED AGENT PROVIDES GUARANTEES:

- Your income is backed by Propertymark Client Money Protection, a scheme which reimburses landlords and tenants for missing rent or deposits if their agent's business fails*
- The responsible agent holds a property management and lettings qualification to at least Level 3 eg A Level standard or equivalent
- Your agent's experience is supported by regular continuing professional development and refresher training
- They must belong to one of the three government approved independent redress schemes: The Property Ombudsman, Ombudsman Services: Property or Property Redress Scheme
- Your agent is up to date with complex legislative changes and best practice
- The agent must comply with a nationally recognised Code of Practice
- All agents offering Propertymark Protection must hold appropriate Professional Indemnity Insurance
- If they hold client money their accounts are independently inspected regularly

If your agent is also dealing with sales they need to be registered with HM Revenue and Customs for anti-money laundering ARLA Propertymark members are required to undertake training every year, this means that agents are up to date with best practice and understand legislative changes which regularly alter the requirements involved in residential lettings.



*Subject to scheme limits

#LOOKFORTHELOGO

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CONFUSED?

THE PROCEEDS OF
CRIME
ACT 2002

ELECTRICAL EQUIPMENT
(SAFETY) REGULATIONS 1994

PLANNING ACT (NI) ORDER 2011

STATUTE OF
FRAUDS
(IRELAND) ACT 1695

COMMISSION
ON DISPOSALS
OF LAND (NI) ORDER 1986

DATA PROTECTION ACT 1998

LANDLORD
REGISTRATION SCHEME
REGULATIONS (NI) 2014

TENANCY
DEPOSIT
SCHEMES REGULATION
(NORTHERN IRELAND) 2012

PUBLIC
HEALTH
(IRELAND) ACT 1878

DISABILITY
DISCRIMINATION
ORDER (NI) 2006

GAS SAFETY
(INSTALLATION AND USE)
REGULATIONS (NI) 2004

SEX DISCRIMINATION
(NORTHERN IRELAND) ORDER 1976

RENT
BOOK
REGULATIONS
(NI) 2007

THE LIMITATION
(NI) ORDER 1989

THE MONEY
LAUNDERING,
TERRORIST
FINANCING
AND TRANSFER
OF FUNDS
(INFORMATION ON THE PAYER)
REGULATIONS 2017

THE TERRORISM ACT 2000

MORTGAGE
TAX
RELIEF

JUDICATURE
(NI) ACT 1978

HOUSING
(AMENDMENT)
ACT (NI) 2011

THE PROPERTY
(NI) ORDER 1997

TORTS
(INTERFERENCE
WITH GOODS)
ACT 1977

CONSUMER PROTECTION
FROM UNFAIR TRADING
REGULATIONS 2008

NOISE
ACT 1996

RENT
(NI) ORDER 1978

POLLUTION CONTROL
AND LOCAL GOVERNMENT (NI) ORDER 1978

HEALTH
AND SAFETY
AT WORK
(NORTHERN IRELAND)
ORDER 1978

FINANCE ACT 1995

HMO LICENSING

THE PLANNING
(CONTROL OF ADVERTISEMENTS)
REGULATIONS (NI) 2015

HOUSING
(AMENDMENT)
ACT (NI) 2016

PRIVATE
TENANCIES
(NI) ORDER 2006

TENANCY DEPOSIT PROTECTION

OCCUPIERS
LIABILITY
ACT 1957

CONSUMER RIGHTS
ACT 2015 PART 2

GENERAL DATA
PROTECTION REGULATIONS

(GDPR)

REGULATION (EU) 2016/679

HOUSES IN
MULTIPLE
OCCUPATION
ACT (NI) 2016

CLEAN NEIGHBOURHOODS
AND ENVIRONMENT ACT (NI) 2011

BUILDING
REGULATIONS
(NI) ORDER 1972

RACE
RELATIONS
(NI) ORDER 1997



ENFORCEMENT

Ignorance of the law is no defence. Enforcement is starting to catch up with legislation. Local Councils now have access to tenancy deposit schemes to identify rented housing and target enforcement.

The Rent (Northern Ireland) Order 1978 and the Private Tenancies (Northern Ireland) Order 2006 (PTO) sets out the law on the current regulation of the private rented sector and provides local authorities with powers to enforce the legislation.

Under the existing legislation private landlords must:

- Fulfil tenancy management duties
- Comply with notice to quit periods
- Provide tenants with a rent book
- Ensure tenants are free from harassment and illegal eviction

If you decide to use an agent, make sure you ask the following questions:

- Which independent redress scheme do you belong to?
- Are you trained and qualified?
- Are you offering ARLA Propertymark Protection?



PROTECTING YOUR MONEY

There is currently no requirement for agents to put landlords' money into a separate bank account or to protect client money.

ARLA Propertymark has campaigned for many years for all letting agents to be required to belong to a scheme which provides essential protection for landlords and tenants.

In response to our campaign the government has finally agreed and is taking steps to make Client Money Protection mandatory for all letting agents.

If your agent offers Propertymark Protection independent checks will be made regularly on your agents' finances and you will be covered by our reimbursement scheme in the event that anything goes wrong.* Other agents are only now being pulled into line with ARLA Propertymark agents.

Rogue letting agent Manish Manek was found guilty of 17 counts of theft involving tenants' deposits and rent owed to landlords. He stole £47,000 before fleeing the UK in October 2012. A police investigation found that Manek had been putting tenant deposits and rent into his personal account. He was finally arrested and sentenced to jail leaving landlords and tenants out of pocket. His victims never saw their money returned. If a letting agent is not covered by Client Money Protection, both landlords and tenants can lose their money.

You wouldn't book a holiday which was not protected, don't trust your property to an agent who does not offer Client Money Protection.

*Subject to scheme limits

HOW MUCH DOES YOUR AGENT KNOW?

Ask your agent these questions and satisfy yourself that they are equipped to manage your property.

What have you based your valuation on and how do the comparables relate to my property?

Are you giving tenants all of the documentation required by law at the start of a tenancy?

What do you do about inventories and property schedules?

What are your arrangements for checking smoke and carbon monoxide alarms?

What is your approach to electrical testing on portable appliances?
And legionella testing?

How often do you visit the property and what reporting procedures do you have in place?

How can you protect me and my property in this increasingly litigious world?

What if the tenant defaults on rent payments and what is your timeline of expectations?

If I need to regain possession of my property, how will you go about it?

What is your complaints procedure?

How do you communicate with tenants?

Do you have Professional Indemnity Insurance?

PRINCIPLED, PROFESSIONAL, PROPERTYMARK PROTECTED.

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www.arla.co.uk/find-agent

