

PRIVATE TENANT

Back in the Jug Agane or How to get your deposit back

For all those students now returning to University or perhaps about to start their illustrious academic careers, finding and handing over a rent deposit to your landlord will be a big concern. And until the government introduces the promised Tenancy Deposit Scheme in July next year, forewarned is forearmed – now read on ...

Deposits are held by landlords as a security against any damage caused by the tenant and any unpaid rent at the end of the tenancy. A staggering £780 millions' worth of what is

essentially tenants' money is held by landlords in the UK.

Unfortunately, some landlords take advantage of the fact that they have your money in their bank accounts – others still through ignorance – unreasonably withholding part or all of the deposit.

So how do you protect your money?

First, be a good tenant! Rightly or wrongly, students often have a bad reputation for partying, bohemian living and a lack of the domestic arts. It can come as a bit of a shock for some to realise Mum isn't going to clear up behind you, and that you are now responsible for your own home.

So if you wilfully or negligently damage the property or furniture then the landlord is quite entitled to recover his or her reasonable costs in making good the damage.

However, if the damage results from normal, everyday, wear and tear then the landlord is not entitled to deduct any money from the deposit. It is assumed that part of the rent that you pay covers such expense.

Alternatively, if you leave the property in a poor state of cleanliness (assuming that it was in a clean condition when you took the tenancy), then the landlord is entitled to deduct the cost of reasonable cleaning from your deposit.

If though, you clean the property before you go, leaving it in the state that you found it, then the landlord is not entitled to deduct any money from your deposit.

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CFPT staff, Bridget and Elena, are joined by Jackie Peacock MBE (right) Director of CFPT's sister organisation Brent Private Tenant Rights Group at the Brighton and Hove conference on HMO licensing.

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Camden Federation of Private Tenants is registered under the Industrial and Provident Societies Act as The Camden Federation for Private Tenants Limited Registered No: 25086R

In order to try and avoid later disputes, always check the inventory when you first move in and ensure that you keep a copy. If your landlord doesn't provide you with one, make your own and send a copy to the landlord for agreement, if that fails, get it signed by a witness and send a copy to the landlord.

Take photographs! This is a really useful tool in arguing a case (include a newspaper to show the date). If there is damage to the property or furniture already, or perhaps the carpet is stained then you will have a record of this if a dispute arises. When you move out, go through the inventory with the landlord; again, take photographs if there are any problems.

Although it is not strictly legal, many tenants fearing that their deposit will be unreasonably withheld do not pay their last months rent, offsetting it against their deposit. If you are considering this it is best to get advice first.

What if your deposit is withheld?

Write to your landlord requesting the return of the deposit by a specified date.

If any amount is withheld (e.g., cleaning, damage, etc) ask for receipts of work done or purchases made. If you consider that your deposit has been withheld unreasonably then you should write to your landlord giving your reasons, while keeping a copy of your letter. If you receive no response or an unsatisfactory response then you should write again giving notice that unless you receive a satisfactory response, within say 14 days, then you intend to apply to the County Court.

The County Court deals with these types of minor disputes in the Small Claims Court. The system is designed to be used by ordinary people without the need for solicitors so neither party is in danger of incurring any legal fees. There is however a court fee. An

'issue' fee for a small claim is on a sliding scale of £50 for a claim of under £500, £80 for those between £500 and £1,000, and £120 for claims between £1,000 and £5,000. A further 'allocation' fee of £80 may also apply; you can claim these fees from your landlord if you win. The small claims route can also be a lengthy process, so try to negotiate wherever possible.

Application forms can be obtained from the Court offices, which are open between 10am to 4pm Monday to Friday.

**Central London County Court
13-14 Park Crescent
London W1B 1HT
Tel: 020 7917 5000
Fax: 020 7917 5014**

** For those still puzzling, 'Back in the jug agane' is a novel bursting full of the erudite wisdom of that exemplary student and Willans and Searle creation, Nigel Molesworth, AKA – the gorilla of 2B.*

Access to Justice Alliance

On the 4th July 2005, the Access to Justice Alliance (AJA) held a small-scale Parliamentary launch of the campaign at Westminster. The meeting was attended by several MPs and Lords and was addressed by, amongst others, the Lord Chancellor and DCA Parliamentary Under-Secretary of State, Bridget Prentice. We are working towards organising a larger parliamentary event including a co-ordinated parliamentary lobby – at a date to be announced.

Marsha Singh, MP, has tabled an Early Day Motion (EDM 453) welcoming the establishment of the AJA, and calling on the "Government to take urgent action to restore funding levels adequate to ensure access to civil justice for ordinary people".

The Alliance will be represented at both Liberal-Democrat and Labour Party Conferences this autumn.

The AJA is also working on preparing a campaign pack, which will be a useful tool for campaigning activity.

For this and for more information about the Alliance you can now look at their website: www.accesstojusticealliance.org.uk



CFPT Committee member, Bickram Bhose, holding the fort at the Swiss Cottage Festival.

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Camden Homelessness Forum

THE FORUM OPERATES WITHIN THE Borough of Camden and engages with all organisations offering services to homeless individuals and families. It is a voluntary sector service run by Voluntary Action Camden, an umbrella organisation in Kentish Town offering fundraising, development, capacity building and payroll support to community organisations in the Borough.

The remit of the Forum is to provide a space for homeless people and front-line workers to impact upon policy and its implementation, and homelessness provision.

The Forum's objectives are to highlight problems in existing or developing policy and its implementation, to lobby for opportunities for homeless and

front-line worker participation and ensure that its membership are informed about relevant issues, concerns and policies. The Forum also provides an excellent opportunity to network and for information sharing.

The Forum has so far been actively involved in the campaign for consultation, access to healthcare, Camden's Pathways Model, and peer-led research into homeless services provision. The Forum actively promotes service-user participation and has input at a strategic level with LBC Housing.

As well as Camden-wide initiatives, the Forum engages with Pan-London networks such as the Homeless Families Network and the User Involvement Network to keep up to date with issues and developments across the Capital.

Given the dilemma local authorities in the Capital are facing with respect the shortage of housing, it is highly likely that the private sector will increasingly be used to house homeless people, Camden being no exception as outlined in the Spring 05 issue of The Camden Private Tenant. The Homelessness Forum Development Officer will be working more closely with CFPT to monitor and encourage good practice in the use of private sector housing for Camden's statutory and non statutory homeless.

Thanks to the outgoing Development Officer Simon Morris for this article.

The Forum is currently recruiting a new Development Officer to take its programme forward

Law Commission consults on ADR

The Law Commission asked if CFPT would organise a 'pre-consultation consultation' meeting with 'secure' type tenancies as part of its Housing Adjudication project to look at alternative dispute resolution models.

22 Regulated tenants from Camden and beyond attended the meeting Chaired by Richard Percival, joined by seasoned CFPT speaker Helen Carr and Ed Kirton-Darling of the Law Commission.

Tenants looked at the Tenant Model proposals by the Commission providing valuable insights and suggestions for them which will be fed into a consultation paper due out at the end of the year. The proposals would complement the Law Commission's work on tenancy reform in its paper Renting Homes, which CFPT was earlier consulted on, a White Paper of which will be out in November of this year.

CFPT is proud to host its second Conference on November 16th 2005

The future of the private rented sector

With guest speakers including:

- Helen Carr of the Law Commission on ADR
- Judy Nixon of Hallam Sheffield University on Australian models of Dispute Resolution
- Elizabeth Brogan of the National Landlords Association on the new regulatory frameworks
- Lancelot Robinson of Kinston University on Scandinavian PRS models
- Magnus Hammar of the International Union of Tenants on the European perspective
- Liam Reynolds of Shelter on security of tenure
- Invited keynote speaker; Housing Minister Yvette Cooper MP

Venue: **GLA, City Hall, South Bank, Queens Walk**

Time: **10.30am to 4pm**

Cost: **£40, some concessionary places for private tenants at £10 – book early to avoid disappointment**

For a full programme, booking form and more information please contact CFPT on 020 7383 0151, camfpt@lineone.net, or at 11-17 The Marr, Camden St, NW1 0HE

Commonhold Tenure—

– Greatest reform of property law in almost a century or misleading propaganda?

THE RECENT INTRODUCTION OF commonhold tenure for blocks of flats and mixed-use developments has been hailed by the government as the greatest reform of property law for eighty years. Such misleading propaganda should not be allowed to pass without comment. Those of us who were closely involved in the campaign over the introduction of the Commonhold and Leasehold Reform Act know that commonhold ownership will remain a rarity for many years ahead.

Few leaseholders are unaware of the problems that can arise from leasehold home ownership, ranging from unjustified service charge demands to ever shortening leases. With around 40% of new homes currently consisting of flats, the leasehold system is expanding throughout England and Wales more rapidly than at any other time in the past. Scotland, in common with the rest of the civilized world, does not have the residential leasehold system. The development of a fairer system of flat ownership to replace the discredited leasehold system would command widespread support from homeowners.

Commonhold ownership, which is comparable to condominium owners in the United States and cooperative ownership elsewhere in Europe, offers that very possibility. Under commonhold tenure flats are owned in perpetuity like a freehold, rather than time-limited under a lease, while the ownership of the flat and a share in the common parts of the building are indivisible, leaving no room for a landlord to own the freehold.

Unfortunately, commonhold tenure will never take over from the leasehold system in the restricted form in which it has been introduced by the government. In the case of new builds, developers will still prefer to sell flats on a leasehold basis since this will be more profitable for them. By retaining the freehold interest, a block of flats will become

progressively more valuable to the developer as the leases get shorter. In its own regulatory impact assessment, the government has forecast that only a quarter of new flat developments will be commonhold. Even that is likely to prove over optimistic.

In addition, very few transfers of existing leasehold blocks will take place, because such a transfer will require each and every party with an interest in the block to consent. This includes not just the leaseholders, but the landlord and all the mortgage lenders as well.

Commenting on this unanimity requirement, Labour MP Barry Gardiner said:

“By their insistence on unanimity the government have at once held out commonhold as the panacea for the ills of leasehold tenure and simultaneously made it unobtainable for all existing leaseholders. It is a quite staggering achievement to neuter one’s own bill before it ever gets on the statute books, but that is quite simply what clause three ensures”.

(Hansard, 8 January 2002)

A further difficulty is that the government has decided to use complex company law as the basis for the new commonhold associations, rather than utilise one of the simpler forms of governance used in other countries. One particular model to be commended is the strata title system used in Australia. The notion of adopting best practice from other countries seems strangely anathema to the architects of property law in the country.

Nigel Wilkins

Chair

Campaign for the Abolition of Residential Leasehold (CARL)

www.carl.org.uk

PO Box 26369, N8 7ZL

Camden Housing Advice Service

Free, expert advice for private tenants, leaseholders and people seeking accommodation. You can phone us, come in or email us.

Housing Advice Centre
North team
179 West End Lane,
NW6 2LH
Tel: 7974 8855
hacnorth.housing@camden.gov.uk

Opening hours

Mon, Thurs, Fri: 9.30 – 4pm
Tues: 9.30 – 1pm; 4 – 7pm
Wed: Closed

Housing Advice Centre
South team
Bidborough House
20 Mabledon Place, WC1H 9BF
Tel: 7974 5801
hacsouth.housing@camden.gov.uk

Opening hours

Mon, Tues, Thurs,
Fri: 9.30 – 3pm
Tues: 4 – 6 by appointment
Wed am: Somali speakers only



Awarded for excellence

Tenants lack insurance

'Risky renters' face losing an estimated £7.6bn worth of goods in order to save money on contents insurance. One third of people from 25 to 34 rent their homes – the vast majority of these from private landlords – each containing an average value of £17,500 of uninsured items, including laptops, Ipods and flat screen TVs.

8% mistakenly believe they are covered by their landlord's policy. Home contents insurance is relatively inexpensive and much cheaper than replacing stolen items.

Hoogstraten to take over top Zimbabwean bank

Nicholas van Hoogstraten seems to be up to his old tricks, reportedly planning to take over a top Zimbabwean bank and colliery. As part of his 'special' relationship with great mate Mugabe, Hoogstraten seems happy to exploit this friendship, whilst thousands of other white businessmen have had their properties confiscated over their alleged support for the Opposition Movement for Democratic Change.

What Tenancy Deposit Schemes?

Apparently the majority of private sector landlords are unaware, that by July next year, they will have to lodge their tenants' rent deposits with one of a number of approved tenancy deposit schemes as part of the measures introduced in the 2004 Housing Act.

According to the Dispute Service 40% of landlords know nothing of the government plans; a further 43% had heard of the schemes but know nothing of the detail.

Chances are (unless they have regularly been reading this newsletter) that tenants are equally

in the dark over the proposals. And given that there are serious repercussions for failing to lodge the deposit with the correct agency, the Government is going to have some serious publicity to do on the issue.

For more information, contact CFPT – details on back page.

ODPM Select Committee to focus on housing

From autumn the Committee is to concentrate on housing issues. The Chair of the House of Commons Select Committee that monitors the work of the ODPM, Dr Phyllis Starkey MP, has indicated that housing will be at the top of their agenda. First looking at affordable housing including the recent government initiatives, this will be followed by a scrutiny of both the private rented and social rented sectors.

Free Representation Service at the Residential Property Tribunal Service in London

The College of Law Representation Service is committed to developing pro bono services for the public whilst meeting the educational needs of their students.

It provides free legal advice and representation to members of the public who wish to bring, or are otherwise involved in, proceedings before the Residential Property Tribunal Service in London.

The service is open during term time. Students from the College, who are studying to become barristers and solicitors, give advice and, if appropriate, representation under the supervision of qualified staff. No charge is made.

Contact the College's Legal Advice Centre on 020 7291 1230, or email ssadvice.centre@lawcol.co.uk

Did you know?

CFPT has a wide range of information leaflets on all issues relevant to private tenants and private leaseholders.

If you would like any of the following free information leaflets, please contact our offices (details on back pg) and we will send you the information free of charge:

- Assured and Assured Shorthold Tenancies
- Regulated Tenancies
- Repairs – a guide for landlords and tenants
- Unfair tenancy terms – don't get caught out
- Notice that you must leave – a brief guide for landlords and tenants
- Bothered by Noise – There's no need to suffer
- My Landlord Wants Me Out – protection against harassment and illegal eviction
- Right of first refusal – for long leaseholders and other tenants in privately owned flats
- Residential Long leaseholders – A guide to your rights and responsibilities
- Home repair assistance
- A Practical Guide For Protecting & Maintaining Your Home (Age Concern)
- Dealing With Your Debts (Rent)
- DIY Home Energy Check
- Have a warmer, healthier home – grants from the Government's Home Energy Efficiency Scheme

And many more from making a small claim to County Court Fees.

Or why not visit our resource library.

Contact us today for details.

Federación de Arrendatarios Privados en Camden (CFPT)

CFPT esta dirigida para y por arrendatarios privados. Trabajamos en todos los aspectos relacionados con inquilinos tanto local como nacionalmente. Tenemos relaciones laborales cercanas con otros grupos como Shelter y hemos trabajado con Departamentos gubernamentales en numerosos temas. Si te interesa contacta con nosotros. Si estás interesado en ver otros

temas relacionados, por favor háznoslo saber. Cartas, preguntas, comentarios y sugerencias son bienvenidas. Puedes hacerte miembro o suscribirte. Te pondremos en nuestra lista de correos y recibirás notificación de reuniones, talleres, eventos, reportajes especiales, así como nuestro boletín informativo por £7.50 al año.

También necesitamos voluntarios para trabajar en el boletín,

contribuyendo a la política de trabajo y consultas, atendiendo ocasionalmente casos legales y representándonos con otras organizaciones y comités.

Por favor contáctenos:

**11-17 The Marr,
Camden Street,
London NW1 0HE
Tel: 020 7383 0151
Email: camfpt@lineone.net**

Camden Federation of Private Tenants

needs you

CFPT is run for and by private tenants. We work on all aspects of tenant issues, providing information and resources, lobbying Government and campaigning on issues both locally and nationally.

We have close working links with other groups such as Shelter and have worked with Government Departments on a number of issues.

If you are interested in becoming involved, please contact us. If you would like to see other topics covered, please let us know.

We welcome letters, questions, comments and suggestions. You can become a member or a subscriber. This will put you on our mailing list

and you will receive notice of any meetings, workshops, events, special reports, etc., as well as our newsletter for £10.00 per year.

We also need volunteers to work on the newsletter, contributing to policy work and consultations, attending occasional court cases, and representing us with other organisations and committees.

Please contact us at:

11-17 The Marr,
Camden Street, London NW1 0HE

**Tel: 020 7383 0151
e-mail: camfpt@lineone.net**

This Mark means that we offer a Quality Assured Information Service.

**Community
Legal Service**



Why not become a member of CFPT?

As a member of CFPT you will be kept informed on current housing issues, legislation and campaigns. You will receive our quarterly newsletter to your door, as well as invitations to meetings and notice of relevant consultations. Your membership will also add valuable support to the Fed.

Name _____

Address _____

Tel no. _____

Email _____

1 I enclose £1 for membership plus £9.00 subscription fee*

2 I would like to donate £ _____ **3** Total enclosed _____

Signature _____ Date _____

Please fill in your details and send with payment to:

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London
NW1 2YW

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Assured Tenant

Assured Shorthold Tenant

Other

**We can waive the application fee in cases of hardship, please contact the office in complete confidence.*