

A Tenant's Guide to renting a property from South Hams District Council or West Devon Borough Council

This guide has been collated for potential new tenants and is designed to help you understand the process involved from agreeing to let a unit, through to moving in. **This guide does not constitute legal advice and is for information purposes only. The Council recommends that you take independent legal advice on the transaction and the legal documentation involved.**

Key Words and Phrases

Throughout this guide and the process of letting a property from the Council, the following key words and phrases may be used:

Heads of Terms: The Heads of Terms set out a summary of the key terms that will be incorporated into the legal documents.

Lease: The Lease is the legal document that sets out the terms under which the property is let to you. Until Legal Completion has taken place, the Lease is not in force and is not binding on either party. It is recommended that independent legal advice is taken before signing the Lease.

Rent Deposit Deed: The Rent Deposit Deed records any rent deposit that is required from you. It sets out the terms on which the deposit will be held, returned to you, or used in the event of default under the Lease. It is recommended that independent legal advice is taken before signing the Rent Deposit Deed.

Completion Statement: The Completion Statement sets out the amount of money that is required from you before Legal Completion can take place (including rent, service charge, deposit, contribution towards our legal and/or surveying costs, any VAT). Please note that when you pay over the monies to us as required by the Completion Statement, we will hold these monies to your order until Legal Completion takes place.

Legal completion: Legal Completion is the process where the Council's Legal team (and your chosen legal representative, if you have one) formally complete and date the documentation making it binding on all parties. Until Legal Completion takes place, none of the documents are legally binding. We will discuss with you (or your chosen legal representative) a mutually convenient date for Legal Completion. Following Legal Completion the keys to the property will be handed over to you and your occupation of the property may begin.

The Process

This is a guide only and sometimes the process can vary due to complexities or changes in circumstances.

Agreeing to let a property and Heads of Terms

Firstly you will discuss and agree with the Council's assets team which property you would like to lease and the terms upon which it can be let to you. The Council will require you to go through some identity and credit checks to ensure your suitability for the property you wish to lease and once all parties are happy to proceed, the terms will be summarised in the Heads of Terms document.

Passed to Legal

The legal department act only for the Council and cannot give you legal advice. As set out above it is recommended that you take independent legal advice on the transaction. Please inform us at the earliest opportunity whether or not you do intend to take legal advice and if so, who your chosen legal representative is.

Draft documentation

The Council's legal department will draft the Lease and any other necessary documents. They will send the draft documents to you or your chosen legal representative for review and approval.

Final Documentation

Once you or your chosen legal representative has reviewed the draft documents and confirmed that they are approved, final versions in hard copy will be sent out for signing. Once a date for Legal Completion has been discussed and agreed the Council's legal department will prepare and forward to you the Completion Statement. The proposed date for Legal Completion may still be subject to change and there is no guarantee that completion will take place on that particular date. If the date changes a revised Completion Statement will be prepared. By signing and returning the documents to the Council's legal department, you are confirming that you authorise the Council to effect Legal Completion when we are in a position to do so. As set out above, however, until Legal Completion has taken place, the documents (even if signed) are not legally binding.

Legal Completion

Once Legal Completion takes place, the keys to the Property will be handed over to you and you can begin your occupation of the property under the terms of the Lease. After Legal Completion, the documentation is binding.

After Legal Completion

Following Legal Completion you will receive one part of the signed documentation for your records and the Council will also hold one part for our records. The Council's assets team and finance team will manage your ongoing tenancy and you should contact them with any queries about the day to day running of the tenancy.