

Voluntary Landlord Registration Scheme

Guidance Notes

The purpose of these Guidance Notes is to provide assistance to landlords and managing agents of privately rented property on the Isle of Man who wish to register on the Voluntary Landlord Registration Scheme 2013 ('VLRs'). The VLRs is not based upon the recently approved Landlord Registration (Private Housing) Act 2021.

Registration is invited from all private sector landlords (individuals or organisations who let and manage residential accommodation to private tenants). If you use a managing agent to manage your rental properties then your agent may submit the application on your behalf but please note that it remains the landlord's responsibility to ensure that the properties are in good order and that the nominated agent also meets the required standards.

The VLRs promotes minimum standards for decency of accommodation and also introduces minimum standards for tenancy management which can be used to your benefit during the marketing of your property.

Regulation of landlords and their property portfolios will also help to ensure that housing delivered by this sector allows tenants to feel confident that the property they occupy and the service they receive reflects good practice. The VLRs comprises:

Registration: Application is by way of self-assessment and declaration by the landlord or, where appointed, the managing agent on behalf of the landlord, against prescribed standards for registration. Standards for registration address a basic level of decency of accommodation as well as basic tenancy management issues such as provision of a rent book or similar document, handling of deposits, privacy for tenants and operation within the law. On acceptance onto the register, the registration will last for a 5 year period, during which time landlords are responsible for updating the Department with any changes to their portfolio, or other details.

Precursor to mandatory registration: The Landlord Registration (Private Housing) Act 2021 will make registration mandatory in 2022 following approval of the supporting regulations that are still to be approved by Tynwald. Provision is made in the Act for landlords who are registered with the Department under the VLRs to transfer their registration to the mandatory scheme by signing a declaration that they and their properties meet the minimum standards which by then shall be set out in regulations and that all information they have provided to the Department is true and accurate.

The VLRs registration fee has been waived and will be free of charge for a period of 5 years from the date of grant of registration. You will however be required to make a further self-declaration that you meet the minimum standards requirements of the Landlord Registration (Private Housing) Act 2021 as detailed above.

The activity of Landlords on the Isle of Man is currently governed by the provisions of a number of Acts of Tynwald. The list below is for information only and is not exhaustive, nor does it include any legislation which has been made under the provision of these Acts. You are advised to seek appropriate legal advice in respect of your obligations and responsibilities as a landlord.

Landlord and Tenant Act 1954
Conveyancing (Leases and Tenancies) Act 1954
Tenancy (Implied Terms) Act 1954 (as amended)
Recovery of Rent Act 1954
Housing Act 1955
The Housing (Rent Control) Acts 1948 and 1981
Landlord and Tenant (Miscellaneous Provisions) Act 1976
Public Health Act 1990
Protection from Harassment Act 2000
Criminal Justice Act 2001
Noise Act 2006
Housing (Miscellaneous Provisions) Act 2011
Fire Precautions Act 1971
Equality Act 2017

We undertake to process your application without delay. Please complete each section in full as failure to do so may result in your registration being delayed.

This Scheme relies on self-certification by landlords. By completing this application form, you are declaring that you are a fit and proper person and that your property/ies and the management of such meets the agreed standards. Failure to provide the correct information may result in suspension or removal from the Scheme.

How we use your information

All information provided will be treated in confidence and in accordance with current Data Protection legislation. Only information which is essential to this Scheme will be held or processed by the Department. This may include details which are received from other Departments or tenants either at the outset of your registration or subsequently. The information retained will only be used for the purposes of administering the Scheme. Your information will be retained in accordance with the Department's Public Estates and Housing Division's Records Retention Policy after you give notice to leave the Scheme.

Our Privacy Notice explains how we collect, store and handle your personal data and how to exercise your rights under Data Protection legislation.

If you'd like to find out more please visit our website at <https://www.gov.im/about-the-government/departments/infrastructure/> or contact our Data Protection Officer on 686785 for a paper copy.

Section 1

Personal Details

The Department of Infrastructure requires full details of the owner of the properties to be let, and full details for any other individual or organisation such as a managing agent managing properties on a landlord's behalf (managing agent details are to be completed in Section 2).

If you are not yet the landlord of a property/properties (for example if you are in the process of purchasing your property for letting purposes) please complete this form as if you are already letting the property.

Section 2

Managing Agent and Property Details

Section 2.1 Details of Agent managing properties on your behalf

If you employ or assign responsibility for the management of your properties please inform us of the representative's details. This can be a company or an individual. A managing agent is an individual or organisation who takes on the responsibility of managing any aspects of the letting of your properties, such as: allocating tenancies; ensuring that an appropriate tenancy agreement is in place; collecting rent payments; and dealing with repairs.

Section 2.2 Property details

This section requires details of each property that you offer for rental which you believe meets the required standards for registration under the Scheme. You must include all properties that you are currently renting as well as any you intend to rent. **Failure to include properties that you subsequently rent will invalidate your registration.** It is your responsibility as the landlord to update the Scheme of any changes to your property or properties.

The Department requires the address and size of **all** properties contained in your portfolio. If you have properties which are managed by different managing agent(s), please provide details for each using a separate sheet of paper if required. Please ensure you reference additional sheets with your name and/or address to ensure they remain linked to your application form.

Should the Department receive any complaints regarding the condition of one of your properties, we may be required to investigate any claims made.

Section 3

Minimum Standards for Registration

In order to register as a landlord you are required to make a binding declaration against a number of statements which are the required standards for registration and demonstrate that you are providing a decent standard of accommodation and are conducting your business in line with current legislation and good practice guidelines.

There are five categories of minimum standards in this section:

- Personal Requirements;
- Letting and Managing the Property;
- Management of the Tenancy;
- Property Condition, and
- Property Maintenance

By making these declarations you are stating that the property or properties which you currently let or intend to let, and your operational practices in relation to these properties, meet the required standards for registration.

Section 3.1 Minimum Standards for Registration – Personal Requirements

Landlords operating within the private sector may have contact with vulnerable tenants. Therefore, property owners who have been convicted of violent, sexual or drugs related offences, practised unlawful discrimination or contravened any provision of housing or landlord and tenant law within the past 3 years cannot be granted voluntary registration. When landlord registration becomes a legal requirement for landlords, any such property owners will be required to appoint a landlords representative to manage all matters on their behalf in order to continue letting out their properties.

Section 3.2 Minimum Standards for Registration – Letting and Managing the Property

Landlords and managing agents should deliver best practice at all times when letting their properties to ensure tenants are safe and secure in their homes. Landlords must provide correct documents and information to their tenants at the beginning of the tenancy, ensuring both parties are aware of their responsibilities on or before tenancy commencement.

The landlord or managing agent should ensure that they have adequate insurance and if applicable, permission granted from a mortgage provider to let the property.

Section 3.3 Minimum Standards for Registration – Management of the Tenancy

Landlords are required to declare that they adopt and will continue to adopt ongoing good practice in the management of tenancies, ensuring they keep up to date written records of all rent payments, complaints and repairs reported.

Section 3.4 Minimum Standards for Registration – Property Condition

Each property must comply with specified basic standards of decency identified in the checklist to the best of your knowledge and awareness. We expect voluntary applicants to apply a commonsense approach to this checklist but if you do require further information on standards of decency, and how to ensure your property/properties maintain this standard during and between tenancies please contact the Department of Environment, Food and Agriculture (DEFA) or the Isle of Man Fire Service.

Section 3.5 Minimum Standards for Registration – Property Maintenance

A landlord or managing agent is expected to respond to repair requests in a reasonable and timely manner.

If you wish to seek further advice on your responsibilities as a landlord in terms of property maintenance, you should contact the Isle of Man Law Society who can provide you with details of an Advocate, or contact Environmental Health at DEFA.

If you require further advice regarding your eligibility to join the scheme by agreeing to the statements in 3.1- 3.5, details of appropriately qualified Advocates can be sourced from the Isle of Man Law Society.

The following organisations might also be of use to you:

<p>For advice on fire regulations and fire safety within your properties, please contact:</p> <p>Isle of Man Fire and Rescue Service Tromode Road Douglas IM2 5PA</p> <p>Tel: (01624) 647300 or 647303 Email: iomfire@gov.im Website: www.iomfire.com</p>	<p>For information on ensuring your property is in satisfactory condition, please contact:</p> <p>Environmental Health The Slieau Whallian Foxdale Road, St Johns IM4 3AU</p> <p>Tel. (01624) 685886 Email: defa@gov.im Website: www.gov.im/daff/enviro/pest/</p>
<p>A pack of standard template documents and useful information for landlords and tenants can be purchased for a small fee from:</p> <p>Housing Matters, 3 Albany Lane, Douglas, IM2 3NS</p> <p>Tel: (01624) 675507 Email: info@housingmatters.im Website: www.housingmatters.im</p>	<p>The Isle of Man Landlords Association is an independent organisation that has been set up by landlords, for landlords, on the Isle of Man.</p> <p>You can contact the Association for more information on:</p> <p>Email: chairman@iomlandlordsassociation.com</p> <p>Or through the Facebook page at: https://www.facebook.com/iomlandlordsassoc</p>

Section 4

Checklist and Declaration

In completing and submitting the application form for Registration, landlords are self-certifying that their properties and management practices meet the required standards for registration, and that the information they have provided in the application form is true to the best of their knowledge.

Landlords must also submit copies of the following documents currently being used:

Document required	Example of document
Blank or template tenancy agreement	Please provide an anonymised example of a tenancy agreement that you use.
Inventory and condition report	Please provide an example of what you would provide to the tenant detailing what items are in each room of the property and the condition of the property at the point of letting it out. Alternatively, photographs provided to the tenant showing all parts of the property and the property condition at the point of letting would be acceptable.
Record of rent/payment records	A blank example of a rent book or an equivalent form of recording payments received should be provided OR if all payments are taken by standing order or direct debit then confirmation in writing that this is the case.
Instructions to tenant regarding repayment terms of their deposit	A copy of the repayment terms for the deposit as provided to the tenant stating the timeframe for repaying at the end of the tenancy and the conditions for why the deposit might not be returned.

Once your application has been approved, you will be notified in writing of your registration details, including commencement of registration, duration of the registration period and any other requirements.

Should you have any queries regarding the Scheme itself or the application process, please call **(01624) 685955** or email **landlordregistration@gov.im**