

## **ARTICLE FOR SHEFFIELD PROPERTY GUIDE RENTED FOCUS – 08.04.10**

**From Taylor&Emmet LLP**

By ROB COOKE

*The UK has one of the most ambitious targets in the world for the reduction of CO<sup>2</sup> emissions. In this month's column, Rob Cooke highlights a government incentive aimed at helping landlords and tenants reduce their energy bills. He also takes a look at how to evict trespassers...*

Domestic heating accounts for 40% of the UK's CO<sup>2</sup> emissions and there are currently around 3.5 million homes in England alone with the very least efficient type of boiler (G-rated or worse).

The installation of new heating is an effective way to reduce household energy bills. To encourage more people to upgrade their system, the government is offering up to 125,000 homes £400 towards the cost of a highly efficient A-rated boiler or renewable heating technology.

### **Who is eligible for the scheme?**

The grant is available to householders (including tenants) in England living in an owned or privately rented property. However, if you are under 60 years old, you can only apply to the scheme if the boiler you are scrapping is in working order and is the main source of heating in the home.

If you are more than 60 years old, you can apply for the grant regardless of whether the boiler you are replacing is in working order. Only householders and landlords who privately own and rent dwellings are eligible to apply for the voucher.

### **How can you tell if your boiler is G-rated?**

A good, quick test for gas powered systems is to look for a permanent pilot light. If it has one, the boiler is likely to be G-rated. If it is gas fired and more than 15 years old, it is also likely to be eligible. Oil fired systems are generally only included if they are more than 25 years old.

If you believe that your home has a boiler that is G-rated or worse and you wish to upgrade to an A-rated system by registering for the £400 cash back voucher, you must arrange for an installer to visit and provide a quotation. This person would then be regarded as your nominated installer.

Once you have a quote, you need to complete an online form, which can be found at [www.energysavingtrust.org.uk](http://www.energysavingtrust.org.uk) or call the Act on CO<sup>2</sup> advice line on 0800 512 012. The £400 voucher will be forwarded to you approximately 10 days after you make the application and will be valid for 12 weeks from the date of issue. Only one voucher will be given to each household and the installation must be carried out by a fitter registered with Gas Safe.

I recommend that you shop around for the most competitive price by contacting a range of installers, manufacturers and energy companies. Some organisations will be offering complimentary deals to encourage you to scrap and replace your boiler with them.

### **My rented property is currently vacant and on a recent visit I found trespassers occupying the house. What can I do to remove them?**

Before doing anything, make sure the occupant has not been given permission to stay at the property by someone with the authority to do so, for example, the previous tenant.

Landlords, owners or occupiers can make an emergency application to the County Court for an ex-parte interim possession order. The subject of the order must have entered the property as a trespasser though. These orders are almost always granted because there is no one there to oppose them and once they have been served, the occupier has 24 hours to leave.

If the trespasser will not vacate the property, take a copy of the order to your local police station. They have the power to break in and throw someone out using force if necessary. There will then be a final hearing seven days later at which the interim order will be

confirmed if the squatter has not entered and proved a defence that someone with authority gave permission for him to be there. It is then a criminal offence for the trespasser to return to the property.

It is important that you obtain specialist advice before taking this eviction step. If there is less urgency, it may be better to look at ways to remove the trespasser without seeking the injunction.

- **Rob Cooke is a partner specialising in commercial litigation with Sheffield solicitors, Taylor&Emmet LLP. Telephone 0114 218 4000.**

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