

RICS Associate Assessment Submission Document - Real Estate Agency Pathway

Candidate Name:	XXXXXX
RICS Membership Number:	XXXXXX
Pathway:	Real Estate Agency
Date:	26 th January 2016

Please declare anything which would impact your ability to perform your role and wish the assessor to take this into account when assessing your submission:

- | | | | |
|----------------------------|--------------------------|-------------------------------|--------------------------|
| Learning, such as dyslexia | <input type="checkbox"/> | Hearing | <input type="checkbox"/> |
| Access | <input type="checkbox"/> | Speech | <input type="checkbox"/> |
| Visual | <input type="checkbox"/> | Other, please provide details | <input type="checkbox"/> |

Any factors must be supported in writing and certified accordingly. The supporting evidence must suggest what reasonable adjustments RICS should take into consideration.

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Candidate details

Candidate Name:	XXXXX	
RICS Membership Number:	XXXXX	
Date of Birth:	XXXXX	
Pathway	Real Estate Agency	
Number of years of relevant experience:	8 years	
Do you have relevant qualifications	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
If 'YES' to either of the above, what subject?	Postgraduate Diploma In Surveying	
Employer/organisation:	XXXXX	
Counsellor:	xxxx	xxxxx
Month and Year of Assessment:	January	2016
Previously Referred at Associate:	No	Number of previous attempts
Case Study Title :	Lease renewal and rent review with a change of tenant	

Checklist

Associate Submission	Candidate - enter 'X' to confirm complete	RICS (office use only)
Candidate Details	x <input type="checkbox"/>	
Summary of Experience – Mandatory competencies	x <input type="checkbox"/>	
Summary of Experience – Technical competencies	x <input type="checkbox"/>	
Case Study	x <input type="checkbox"/>	
Continuing professional development (CPD)	x <input type="checkbox"/>	
Referral Report – (Referred candidates only)	<input type="checkbox"/>	
(If you are a referred candidate only indicate the templates that you have updated for reassessment above)		
Below to be completed by Referred candidates ONLY		
Which technical and mandatory competencies are being reassessed?		
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Summary of Experience - Mandatory Competencies

Mandatory Competencies	Summary of how you meet competency requirements
Client care	<p>My job involves communicating between landlords and tenants in person, by phone or via email, in a courteous and professional manner to establish an appropriate professional relationship and to build trust and confidence in my ability and my company.</p> <p>When working with clients I identify their needs clearly from the start by asking specific questions and gathering detailed information on them and their property. I advise them on the current regulations and legislation and the local market condition. I send out regular news letters to provide landlords with legal updates.</p> <p>I provide comprehensive terms of business to my clients with a clear and upfront breakdown of fees, along with instructions letters and a 'landlord information park'.</p> <p>Complaints are dealt with under our complaints policy and if this does not resolve the issue for the client we are also members of The Property Ombudsman Scheme.</p>
Communication and Negotiation	<p>I communicate via email, letter, phone, and in person with clients, tenants and other professionals. I am always polite and friendly to build good working relationships. Telephone conversations are followed up by emails to confirm instructions.</p> <p>I negotiate between parties to agree tenancy terms and this involves being organised and professional. I respond quickly to queries and obtain as much information as possible. Once tenancy terms have been agreed this is communicated to both parties in writing.</p> <p>I aim to be clear and precise when providing contractors job sheets. I ensure confidential information is not disclosed without consent.</p> <p>I produce detailed reports for clients such as market valuations and proposed end of tenancy deductions.</p> <p>When complaints are made I try to deal with them face to face as written communication can be misinterpreted and</p>

	<p>can lead to further aggravation of a client.</p>
<p>Conflict avoidance, management and dispute resolution procedures</p>	<p>The two main causes of dispute within my role are maintenance issues and tenancy deposit deductions.</p> <p>I encourage open communication between myself and the parties to gain an understanding into why a party is unhappy. I then present this in a concise manner to the other party and advise on the best course of action. I negotiate for a smooth outcome where both parties are satisfied.</p> <p>If I identify a possible conflict I deal with this immediately to ensure there are no further problems. I understand dispute resolution procedures and do my best to avoid cases going to court as these can be costly for my clients and is often the last resort.</p> <p>Where both parties cannot come to an agreement over a deposit deduction I refer the matter to adjudication under the TDS which is the scheme we protect the deposit under.</p>
<p>Data management</p>	<p>I obtain a wide range of information from clients, tenants, and contractors which is stored on our property management software provided by 10ninety under client, property, tenant and contractor records.</p> <p>I use databases such as the Land Registry and websites such as Rightmove to obtain further information. Combined with our in-house database I use this information to provide market appraisals and produce client reports.</p> <p>I comply with the Data Protection Act 1998 and do not disclose tenant or client information to third parties without consent. Tenancy reference forms with personal information on are processed and then the documents shredded. All other documents are filed in a secure cabinet.</p> <p>I regularly change my passwords to ensure data is protected as best as possible and my laptop is password protected and put away when I am not using it, in a locked drawer.</p>
<p>Health and safety</p>	<p>I abide by the Health and Safety at Work Act 1974 to ensure my personal safety and that of others I work with.</p> <p>I undertake viewings on my own and I comply with our company's lone working policy ensuring I log details of the address, person I am meeting and their contact details. I always carry a mobile phone and let the office know my expected return time. I undertake a quick risk assessment before entering a house to ensure it looks safe. I then do a walk through before inviting tenants in to view.</p> <p>When instructing contractors to undertake work I ensure they</p>

	<p>are competent, qualified and have the necessary insurance.</p> <p>Within the office I ensure staff following manual handling procedures and the office is kept tidy to reduce risk to customers. I also ensure landlords comply with health and safety regulations and current legislation such as gas safety checks, and fire alarm regulations.</p>
Sustainability	<p>I can spend the majority of my day out of the office so I try to organise my appointments by location, reducing my travelling where possible. I undertake back to back viewings on property so that I do not keep re visiting the same property, helping to reduce my carbon footprint and fuel bill. My car is serviced regularly and tyres checked to promote an efficient performance.</p> <p>The properties we deal with all have to have an EPC before marketing and I ensure these are in place. From 2018 there will be a legal minimum rating and this is an E. So properties with a rating of F and below will not be able to rent. I provide guidance to landlords as to actions they can undertake to help improve the efficiency of their property such as insulation or a new boiler.</p>
Teamworking	<p>Teamwork is an invaluable way of promoting a happy work environment, learning new skills and increasing my knowledge. It is a vital part of any profession.</p> <p>I treat members of my team with respect. If I am unsure of an issue then I will seek advice from a senior surveyor or I will discuss technical issues that arise with my team. This way I ensure the best possible care for a client.</p> <p>In my role is important to work as part of a team with contractors and to be friendly and professional. I work closely to provide contracts with the details they require to visit a property and undertake a job as quickly as possible. This helps to keep both my clients and their tenants happy which in turns helps to promote my company.</p>

Total word count for your mandatory summary of experience: = 1000 words

Summary of Experience – Technical/ Competencies

Technical competencies	Summary of Experience
Landlord and tenant	<p>I draw up tenancy agreements for our residential tenancies under The Housing Act 1988 using assured shorthold tenancy agreements.</p> <p>Once an offer has been made by a tenant I negotiate between the landlord and tenant to agree terms. I understand the construction of a tenancy agreement and the wording of special clauses to ensure the documents are fully comprehensive and cover all landlords and tenant obligations for the duration of a tenancy. I explain clearly to tenants their responsibilities and discuss the deposit and what would be cause for deduction at the end of their tenancy.</p> <p>As part of my role I negotiate break clauses where required and inform clients of the advantage and disadvantage of these and whether they require a fixed or rolling break clause. When required I also provide guidance on the interpretation of certain lease terms.</p> <p>I ensure a property is ready for occupation and all legal regulations are complied with such as fire alarm, PAT testing and valid gas safety check. I also ensure that all the necessary paper work has been provided to the tenants at the start of a tenancy to ensure my landlord can serve a valid section 21 notice where required such as the 'how to rent' guide.</p> <p>I draw up renewals and serve section 21 notices. Tenancy renewals often involve rent reviews. I advise landlords about rent reviews, providing a market appraisal report and negotiating with tenants. Part of my role is to advise landlords as to the best course of action, such as it may be better keeping the tenant at the same rent to avoid a void period. I also provide guidance on the length of their tenancy for instance an 8 month tenancy would be preferred over a 6 month tenancy if starting in June to ensure a property does not become vacant in December which is commonly a very quiet period in the residential letting market thereby ensuring a landlord is not left with a void period.</p>
Leasing/letting	<p>The majority of my role is dealing with the letting of residential property.</p> <p>I visit properties to gather information about the property before</p>

providing a rental valuation. The valuation takes into account factors such as the size of the property, condition, parking, associated land, supply and demand for that type of property and the length of term of the tenancy.

I draw up the marketing material which is sent to prospective tenants and upload it onto online property marketing portals.

I undertake viewings and negotiate between landlord and tenants to agree the rental terms and specially negotiated clauses.

Before occupation I complete the tenant referencing by undertaking a credit check, Id check and employer reference. This will also soon include the right to rent check from February 2016.

Contracts are then drawn up and the property is made ready for occupation. Part of my role is to ensure all legal aspects are complied with so I ensure there is a valid EPC, GSC, PAT test and chimney sweep where required. I ensure tenants have been provided with a 'how to rent guide' before signing a tenancy agreement. This ensures if required a valid section 21 can be served.

I book a professional company to undertake the schedule of condition and check in of a property and ensure the deposit is protected and the necessary paper work send out to both parties.

Once a tenancy is in place I then ensure payment is made on time to the landlord, property visits are undertaken regularly, and if required I negotiate between parties on items such a rent reviews or assignments and sub leasing.

At the end of a tenancy I review the check- out report, draw up a report for the landlord advising them of what the deductions should be and then negotiate between the two parties. I provide advice and guidance to my landlords and explain clearly to tenants what sections of the tenancy agreement they have breached. Where an agreement cannot be reached I assist the landlord in taking the matter to dispute resolution through the appropriate channels.

Legal/regulatory compliance

As part of my job I need to have a good working knowledge and understanding of all the necessary legislation that relates to landlord and tenant law. I understand the statutory requirements of landlord and tenant law and ensure these are complied with on a daily basis.

When managing a property I always insure the necessary regulations are complied with. This includes the Housing Act 1996, Gas Safety (Installation and Use) regulations 1988 under the Health and Safety Act 1974, the Furniture and Furnishing (Fire) (Safety) Regulations 1988 (as amended in 1993), The

Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as well as others.

Before any tenancy begins I explain clearly to landlords what their legal responsibilities are, and these are included in our information for landlords pack and our terms of business. Before managing any property landlords are required to fill in an instruction pack confirming they own the property, and have the right to rent it out. They are also required to sign our terms of business which clearly state what they as landlords are responsible for and what we as agents are not responsible for.

I also ensure tenants are fully aware of our fees upfront, are given a 'how to rent guide' and provide with all the necessary information when they occupy the property to serve a valid section 21.

To ensure I am fully up to date with the legal regulations changes that are constantly occurring I attend quarterly ARLA seminars and receive regular news updates from them, the RICS and also property solicitors. If I am unsure of anything I always seek legal advice from a solicitor

As a company we are members of ARLA so are regulated in our actions and behaviour and always follow their regulations we are also members of The Property Ombudsman Scheme, The Tenancy deposit Service and have client money protection.

If a complaint is made against me or a member of my team there is a company complaints handling procedure we follow.

Market appraisal

I carry out market appraisals for new and existing clients.

To provide a market appraisal there are a number of steps I take. The first is to visit the property and gain information on the size of the property, condition, the type, construction, size of plot, if any land is included, parking, garage, utilities available and distance to local facilities.

I then research what similar properties in the area have rented and for what price. I also check our database of property we hold in our portfolio. This helps me to provide the client with a current market appraisal. Sometimes a market appraisal can be difficult to provide when a property is unique and finding comparisons is a challenge.

I discuss with the client factors that may affect the appraisal such as the supply and demand in the area for that type of property, and the condition of the dwelling.

I draw up a valuation letter to send to the client along with the comparable evidence to support my market appraisal and our terms of business.

	<p>The market appraisals I do for existing clients are for rent reviews or remarketing. Often clients will want the highest rent possible for their property so regular reviews are required. Where there is the possibility for a rent review on an existing tenancy I will negotiate between landlord and tenant to try and achieve this rent increase.</p> <p>My company also acts for landlords wishing to increase their portfolio. With these clients I produce reports on potential buy to let properties they are interested in purchasing. These reports provide a market appraisal in the current condition along with advice on what improvements / redecoration works we recommend and a market appraisal once the work has been completed. These provide the clients with an idea of what yield they may expect on an investment.</p>
<p>Measurement and inspection of land and property</p>	<p>I carry out the measurement and inspection of both residential property we let and manage and also of the commercial office units we manage.</p> <p>I take measurements at the time of appraisal in accordance with the RICS valuation – professional standards (the ‘red book’) for a floor plan and to help provide an accurate valuation / appraisal.</p> <p>I undertake regular inspection of the residential properties we manage as part of our service to landlords. These visits ensure a property is being well looked after and tenants are living in them in ‘a tenant like manner’. I look at the condition of the building externally, and each room internally. I specifically look for areas of condensation, leakage of water, lime scale build up or redecoration / damages issues as well as any possible breaches of the tenancy agreement. These inspections are not scheduled surveys, however they do provide us with the opportunity to identify obvious building defects and discuss the possible implications and actions required with a landlord. They help the landlord keep the property up to date and therefore keep the tenants happy. They also help us to ensure there will be no large issues at check out that we are not aware of. I always undertake a property inspection in the last month of a tenancy so that a tenant can be notified about any areas they may need to rectify before vacating. This helps to prevent void periods when tenants vacate and delays with new occupants moving in.</p> <p>I also help manage a group of office units and measurements are required for proportioning the service charge based on the net internal floor area.</p> <p>As part of the management service offered to the commercial landlords, I undertake twice yearly visits to the offices to inspect the communal areas, car park, boundary walls etc. I then prepare a report detailing any maintenance issues or future maintenance</p>

	issues that may be required so they can budget accordingly.
Property records/information systems	<p>Keeping up-to-date property records is an important part of my job. I keep detailed tenant records, enabling us to match out new properties and secure lettings as soon as possible.</p> <p>For landlords we keep a record of their details, property address, contact details and details of their property including dimensions, accommodation, the valuation and the comparisons we have used to provide the valuation.</p> <p>Each property has its own individual property record, containing information such as the address, type of property, accommodation, landlord details, tenant's details, fees paid, tenancy details, renewal date and service charge fees along with invoices and statements. All correspondence from landlords and tenants is logged along with maintenance reports and inspections.</p> <p>These property records enable me to draw up a data base of maintenance and a schedule of insurance due dates.</p> <p>Valuation details are stored on a spreadsheet which can be used for comparable evidence alongside the database we have of our managed properties.</p> <p>From our property records I am able to extract data to produce reports for clients. Such as the average price of a property in a postcode, or the % of people we have had register looking for a 2 bedroom house.</p> <p>I source data on the property market in our area using sites such as rightmove etc. These provide me with data including the number of houses on the market, rental prices and the number of people looking at specific properties. This helps me to provide accurate valuations and also have knowledge on the supply and demand in the area.</p> <p>I use the land registry to find the sale price and date, enabling us to provide accurate advice to clients who seek investment property in the area. From this source of information I am able to provide them with a report of the expected purchase price and rental yield of certain properties. It also enables us to check a landlord owns a home and is not a tenant sub-letting.</p>

Supervisory competencies

Supervisory competencies	Summary of Experience
Choose your competency	Click here to enter text.
Choose your competency	Click here to enter text.

Total word count for your summary of experience: = 1983 words

Case Study

Case study title - Change of tenant / Review of Rent / New Contract at 7 ABC Lane.

1. Context / Introduction

1.01 - I have worked within the property sector since 2007 when I started working with XXXX Chartered Surveyors as a trainee surveyor, accompanying chartered surveyors on surveys whilst also undertaking the post graduate diploma in surveying from the College of Estate Management in Reading in which I obtained a merit. This gave me an excellent base of knowledge on the fundamentals of real estate practice, real estate markets and finance, real estate law, residential valuation and housing and building pathology and inspection.

In 2010 I went to work for a local lettings company as I wanted to gain more experience in property management and letting. In December 2013 I returned to XXXXX Chartered Surveyors to continue my training as a surveyor and also to set up XXXX Lettings alongside XXXX Chartered Surveyors, specialising in property management and residential lettings.

1.02 - I deal with every aspect of the business from meeting with landlords and providing valuations to undertaking mid tenancy property inspections and writing up contracts.

1.03 - The matter discussed in this case is a rent review, a change of tenant and a new AST contract. The case occurred between June and August 2015. It illustrates my day to day responsibilities and supports my competencies.

1.04 - The property in question had been rented to the same two tenants for 18 months (tenant A and B) and was on a rolling periodic contract. Originally the house was managed by another agency and at 8 months the landlord instructed XXXX Lettings to manage the property. Tenant A contacted us to say tenant B was leaving and they planned to move in tenant C. The landlord wanted a new contract drawn up and a possible increase in rent.

1.05 - My brief was to provide a rent review, draw up a new fixed term contract for tenant A and C, officially end the contract with tenant B and deal with all matters or issues that may arise.

1.06 - I was involved with every aspect of this case dealing with both landlord and tenant, producing a rent review report, negotiating between the parties, seeking legal advice, drawing up the required documents and producing the final tenancy agreement.

1.07 - The technical competencies I achieved in this case are;

- * Landlord and tenant
- * Leasing and lettings
- * Legal / regulatory compliance
- * Market appraisal
- * Measurement and inspection of property and land

* Property records / information systems.

1.08 - The mandatory competencies achieved are

- * Client care
- * Communication and negotiation
- * Conflict avoidance, management and dispute resolution
- * Data management

2. The Approach

2.01 - The subject property had tenants A and B living in it, on a rolling periodic contract. We received a call from Tenant B on 16th June 2015 to inform us he was moving out. He was in a joint tenancy agreement with tenant A. I called tenant A to make sure they knew tenant B planned to leave and to see if they wanted to stay and if they would be taking on the sole responsibility of the rent and property.

2.02 - Tenant A informed me that tenant B wanted to leave and that she wanted Tenant C to move in, but she would be paying the rent from her account so informed me nothing would change. I advised her that I would need to discuss the matter with my landlord and would come back to her.

2.03 - Once I had been notified of the actions the tenants wanted to take I contacted our client the landlord and explained the situation to him and discussed our proposed options. This was done on the 16 June 2016.

2.04 - My client was keen to keep tenant A as they had been a good tenant, the property was looked after and the rent always paid on time. We discussed the potential new tenant and he was happy with this to proceed them fully referenced and put on a tenancy agreement. He was not willing to keep the current periodic tenancy with a change of tenant.

2.05 - As tenants A and B were on a rolling periodic contract this was what tenant A and C wanted to be on. They liked the freedom to only give one months notice to leave. Tenant A thought they could move in tenant C with no new contract or referencing.

However this was not what the landlord wanted and not what I advised. I advised my client to have a new fixed term contract drawn up for 6 – 12 months so he had the security of a fixed term tenancy agreement. My client also wanted an increase in rent as the rent had not increased for 18 months and he felt rental prices in the area had increased.

2.06 - I put this forward to tenants A and C in an email on 20th June 2016 who responded to say they were unhappy. They did not want tenant C referenced and did not want a fixed contract of 6 months and were not happy with an increase in the rent. Tenant A said they would think about it but would consider moving out and finding somewhere else to rent.

I responded to explain why tenant C needed to be referenced and credit checked and that this was to ensure they were a suitable tenant.

2.07 - I put together a rent review report for my client the landlord using comparable evidence from similar property in the area which did show an increase in rents in the area. I used data from our in house system and also from external sources such as Rigtmove. My advice to him was that if he remarketed the house he could ask for a further £25 per month which was about 3% increase however in my option it would be worthwhile keeping the current tenant on the same rent than having a void period as one month's void would be more than the yearly increase and we would then look at increase the rent in the future. He agreed to this.

2.08 - I went back to the tenants on 21st June 2015 and reported that the landlord would keep the rent at the same rate as he had been very happy with A as a tenant and would like to keep them. I asked A and C to visit the office where I discussed with them the reasons for the landlord wanting a fixed term contract and also the advantages of this to them as tenants. I also explained clearly to tenant C why they needed to be referenced.

I discussed that if they left the house any other agent would need at least a 6 month AST from them in line with the Landlord and Tenant Act 1988 and they would both have to be fully referenced as well so our procedure were no different from any other professional agency. I also pointed out that similar properties in the area were now renting for approximately £775 - £800 and the landlord has agreed to keep their rent at £750.

2.09 - On 22nd June 2015 Tenant A advised me tenant B would be leaving on 7th August and she would let me know her final plans on 7th July as to whether she would be serving notice too.

2.10 - On 7th July 2015 I emailed tenant A to follow up on her decision.

I explained that if she stayed in the house on her own and rolled on the existing contract then we would need to arrange a check out for Tenant B on 7th August 2015, see if there were any deposit deductions and agree these with tenant B. The remaining deposit amount would then need to be topped up by herself and the TDS paperwork updated and new certificates served. There would be paperwork for her to sign to say that from 7th August 2015 she took full responsibility of the house and understand that as from 7th August tenant B had no responsibility for the rent, damage to the house etc. Tenant B would also need to sign paperwork to say he is was no longer a tenant etc. I would need to obtain new references from her employer to confirm her income was enough to cover the whole rent going forward.

I also explained that if tenant C was to move into the house then the current tenancy would need to be finished and a new agreement drawn up. A check out would be undertaken and the deposit returned to tenant A and B. Tenant C would then be referenced, a new contract drawn and the deposit protected with all the necessary paperwork sent out.

2.11 - I made sure that tenant A was aware that if Tenant C was not part of the tenancy agreement it would be a breach of her tenancy agreement if he moved into the house.

2.12 - Tenants A and C called the office that afternoon to say they would like to proceed with a new 6 month contact which would commence 7/08/ 15.

2.13 - I contracted the independent inventory company we use and a check out was booked for tenant B so that his share of the deposit could be returned. This was booked for 7/08/15 and the check in for tenant C would occur afterwards.

2.14 - However on 23/07/15 tenant A and B contacted me to say they would not have an official check out and did not want to pay and had therefore cancelled it. I explained the important reasons

for the check out, but tenant A felt that tenant B had caused no damage so she did not think one was needed.

I explained to both tenants that this could lead to problems on the future when tenant A did leave, damage was found, deductions were proposed and tenant A blamed the damage on tenant B.

2.15 - Both tenant A and B refused to pay for the external check out clerk to visit the property to undertake the official check out of tenant B. I explained to tenant B that without a check out we would not be able to assess if any deposit was required for damage and therefore the landlord would not be happy to release his share of the deposit back in full.

Tenant B explained to us that tenant A was going to provide him with his share of the deposit back and therefore planned to keep the deposit that was protected under the deposit scheme as her deposit.

2.16 - I sought legal advice on the matter from solicitors to obtain the best method to move forwards.

It was advised that I draw up a document for tenant B to sign to say that from the date he left the property he gave up his claim to the deposit and he fully understood he had no right to claim for this deposit to be returned in the future to him. The full deposit now belonged to tenant A.

2.17 - With regards to tenant A this would leave them in the house with a full deposit held for the landlord's protection. However I was concerned that as there had been no official check out for tenant B that at the end of the future tenancy with tenant A if any damage was found they would blame tenant B.

It was also advised that I drew up a disclaimer for tenant A to sign, saying that they were happy for the initial inventory as undertaken from ABC lettings (who were the original agents that rented them the house) to be used on her exit from the property even though there has been a change of one tenant in the middle. The disclaimer stated that once Tenant B had left on 7th August he had no further responsibility for the house or any damage that may be noted on the final check out and that they (tenant A) were therefore liable for any deductions that may occur upon the final check out. I had recommended a check out but they had declined to have one undertaken and that they understood the possible implications of this and that we as Butfield lettings had provided advice which had been ignored. The tenant signed this.

2.18 - This then provided the landlord with a full deposit on file and a disclaimer from tenant A to say they would cover possible damage by tenant B.

I had undertaken regular property visits every 3-4 months and was not aware of any major damage to the property.

2.19 - Throughout the whole process detailed notes were kept on our software system under the property records.

2.20 - When we discussed with tenant A and C, I was notified that tenant C was paying half the deposit to tenant A and therefore the deposit held would belong to both of them. The tenancy deposit certificate was therefore drawn up and protected in both of their names and the prescribed information contained both of their names.

3. The result

3.01 - The result was that tenant B vacated the property on 7th August 2015. He relinquished any claim he had to the deposit we held for the property. This was documented under his signed letter.

3.02 - Tenant A signed the disclaimer referencing the lack of check out and the fact that she would take responsibility for any damage possibly caused by tenant B if it arose at her final check out.

3.03 - Tenant C moved into the property and the new tenancy agreement commenced on 7th August 2015. The new contract was at the same rent for a fixed term of 6 months with both A and C as named tenants. The deposit was re protected under both of their names and the necessary paper work served to all parties.

3.04 – I was pleased with the result as it ensured the landlord now had the property under a 6 month AST, a full deposit and both tenants has been fully referenced, giving him security.

3.05 - He had not obtained the rent increase he originally wanted however he had kept a reliable tenant for a further 6 months and he was happy with this.

4. Lessons Learned

4.01 - Dealing with this case provided me with an opportunity to use a variety of my skills and gain vital experience. I got to follow the process from start to finish, from the initial email from tenants A and B, through the negotiation stages, problem solving and through to completion of contracts, protection of deposit and move in of tenant B.

4.02 - I increased my knowledge on the rental market and produced a rent review report for the landlord.

4.03 - I gained knowledge and an understanding into drawing up a disclaimer.

4.04 - I learnt that face to face communication can be more effective than emails and when tenants or clients are appearing difficult it may be that they do not clearly understand the situation. Explaining in depth to a party a reason for an action can often help dissolve any conflicts and resolve a problem speedily.

Competencies demonstrated in this case study

Technical/Supervisory competencies	Mandatory competencies
Landlord and tenant	Client care
Leasing and lettings	Communication and negotiation
Legal / regulatory compliance	Conflict avoidance, management and dispute resolution
Market appraisal	Data management
Measurement and inspection of property and land.	Click here to enter text.
Property records / information systems.	Click here to enter text.
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Total word count for your case study: = 2499 words (excluding headings and numbering)

EXAMPLE ONLY

Continuing professional development (CPD)

Please list the CPD you have completed over the past 12 months. You must refer to a minimum of 48 hours and at least 50% must be dedicated to formal development. Please follow the format below and add more rows if required.

Date	CPD	Hours
14/02/15	<p>Activity type: Private Study</p> <p>Purpose: Read the magazine to keep up to date with property related matters. I focused on an article about Professional Training and the importance within a company.</p> <p>Description: Property Professional Magazine Jan / Feb 2015 p.g 22.</p> <p>Learning outcomes: Read an article about professional training and the importance within a company. Analysed my weakness at present within my job and looked into courses I can undertake to help improve these weaknesses. I identified the fact that I could do with more knowledge when dealing with disputes at check - out so booked a course to increase me knowledge in this area.</p> <p>Informal</p>	1
04/03/15	<p>Activity type: Work Based Learning – Training by senior surveyor</p> <p>Purpose: To understand what legionnaires disease is, how it occurs, the risk to people, and how to prevent it.</p> <p>Description: Training into Legionnaires Disease and Risk Assessment by senior surveyor.</p> <p>Learning outcomes: I gained information on what legionnaire's disease it, how it can occur in a property, how it can be prevented and how landlords need to have a legionnaire risk assessment on their rental home. Drew up a fact sheet to provide to both landlords and tenant, so landlords are aware of their responsibility and tenants are aware of how they can help reduce the risk while living in the property.</p> <p>Formal</p>	1.5
10/03/15	<p>Activity type: ARLA Regional Seminar</p> <p>Purpose: I went to this meeting to gain more of an in-depth understanding of the legal updates and changes which are being put into place or discussed in parliament to ensure I am up to date with recent changes and aware of any possible legislation changes that will affect my job. I am therefore able to keep my clients up to date and well informed.</p> <p>Description: ARLA Regional Seminar – Legal Update</p> <p>Learning outcomes: I gained more of an in-depth understanding of the legal updates and changes which are being put into place or discussed in parliament such as the potential need for fire alarms in every rented</p>	2

	property, on every floor and CO2 alarms where there is a solid fuel burner. I can now provide better advice and guidance to my clients, and help them be prepared if the changes are put in place	
	Formal	
18/03/15	Activity type: Work Based Learning	1
	Purpose: To review the first couple of months with regards to the business. How many new clients, portfolio growth and marketing plans moving forward into the next 3 months	
	Description: Team Meeting / Staff Training	
	Learning outcomes: I discussed business plan, compared current figures against our targets, what we had achieved, what plans we wanted moving forwards and SMART goals on how to achieve these. Drew up a marketing plan to put in place from next month in aim to attract new landlords.	
	Informal	
21/03/15	Activity type: Private Study	2
	Purpose: To refresh my knowledge on Health and Safety, Security and General Law	
	Description: Read through and made notes on NFOPP technical award in residential lettings and property management Section 1.	
	Learning outcomes: This refreshed my knowledge on health and safety with the workplace, areas such as common law and equity, contract law, ending a contract and remedies for breach of contract and common law duties of agents and the authority of an agent.	
	Informal	
29/03/15	Activity type: Private Study	2
	Purpose: To refresh my knowledge on Lease and Licences, Housing Act 1988 Tenancies, Grounds for Possession and Protection from Eviction and Landlords Details and Unfair Terms	
	Description: Read through and made notes on NFOPP technical award in residential lettings and property management Section 2.	
	Learning outcomes: Revised my understanding on the difference between a lease and a licence, when a landlord has grounds for repossession of a property and when tenants are protected from evictions. Also reviewed the unfair terms in consumer contract regulations 1999.	
	Informal	

Date	CPD	Hours
01/04/15	Activity type: Private Study	1
	Purpose: To gain some more general knowledge on the rental / property market at present.	
	Description: Property Professional Magazine March / April 2015	
	Learning outcomes: Gained increased knowledge on why less young people are getting on the property ladder and the effect this has had on the rental market p.g 12. This enables me to provide useful guidance to landlords who are looking to grow their portfolio. I also read an article on the importance of CPD p.g 30 and how it can be obtained. This helped me to focus on my CPD goals for the year and plan my training.	
	Informal	
10/04/15	Activity type: Work based	2
	Purpose: To gain further knowledge and understanding into service charges in commercial property	
	Description: RICS Professional Guidance, UK Service charges in commercial property 3rd edition	
	Learning outcomes: This helped me gain a better understanding into how service charges are applied and managed and what should be undertaken when the owner changes as well as an overall insight into applying with the RICS regulations.	
	Informal	
31/05/15	Activity type: Private Study	1
	Purpose: To gain more knowledge into the property market, so that I am well informed when dealing with both landlords and tenants. To provide me with a broad depth of knowledge	
	Description: Property Professional Magazine May ' June 2015	
	Learning outcomes: Gained a better understanding of buy to let landlords, boundary disputes and what my landlords need to be aware of when buying a property at auction.	
	Informal	
29/07/15	Activity type: Private Study	2
	Purpose: To ensure I have the most up to date knowledge on the changes coming into place with regards to fire regulations in rented homes and to provide landlords with the relevant information required.	
	Description: Read an article into the new fire regulations coming into place in October, then researched into this further and produced a factsheet to be emailed out to landlords and training given to staff.	
	Learning outcomes: After researching into this area understood where fire alarms were required, by whom, when they should be tested, who responsibility the fire alarm was at the start and during the tenancy and the fines that could be imposed if the new regulations were not followed.	
	Informal	

Date	CPD	Hours
20/08/15	Activity type: Private Study	1
	Purpose: To increase my knowledge of the property market and familiarise myself with market news and updates	
	Description: Property Professional Magazine July / August	
	Learning outcomes: I read though the magazine which provided many interesting articles. The article on 'Sound the alarms' p.g12 was of interest to me as we manage a number of rented homes and this legislation is due to come into effect in October. I also found the article 'property risk takers' p.g 30 very interesting relating to data protection and ensuring staff are behaving in the correct manor and to ensure clients information is protected. I also enjoyed 'Counting the cost of fire' p.g 60 as it is very important that both out clients and tenants have the necessary insurance when leasing / rent a property. As part of our contracts we always insure we have a copy of their insurance and keep records on file of this and renewal dates	
	Informal	
21/08/1	Activity type: Work Based Learning	1.5
	Purpose: Training by a senior surveyor into security within the workplace. Aimed to increase my knowledge of data security and personal security. Identify any areas of weakness and improve these	
	Description: Staff Training by a senior Surveyor	
	Learning outcomes: Discussed security within the company and how to keep ourselves safe when out on lone visits and within the office and also security of the data we hold. I reviewed the working alone policy. Reviewed computer passwords and how often these need to be updated. Also ensured that company policy in regards to data protection was being kept and that referencing forms were shredded once all the information had been input to the referencing company.	
	Informal	

04/09/15	Activity type: Work Based Learning	3
	Purpose: To improve my building pathology and inspection skills and knowledge	
	Description: Shadowed a senior surveyor on a property visit while they undertook a building survey	
	Learning outcomes: Saw an in-depth inspection of a property and asked the surveyor questions about the construction, materials used and common issues that can arise in properties as well as items I should look out for when I undertake my property visits to the managed properties we oversee. The more information I have on construction the more efficiently I can work with landlords and tenants to help prevent maintenance problems in properties and it also gives me a good knowledge of construction when dealing with contractors.	
	Informal	
20/09/15	Activity type: Private Study	1
	Purpose: To increase my knowledge of the property market and familiarise myself with market news and updates	
	Description: Property Professional Magazine Sept / October	
	Learning outcomes: Read a number of articles published in this magazine and gain knowledge on NPTA – National Pest Technicians Association. I would now check any pest control we called out to a property was a member. I also read 'Taking the credit' p.g 40 which highlights how a real estate agent should and should not act. It is vital to ensure all credit checks are fully undertaken and payment is cleared funds before releasing keys and allowing occupation to any tenants. An agent's client is the landlord and they need to protect the landlord's interest and act with integrity and honesty at all times. I also found 'A heavyweight deposit dispute' p.g 52 interesting to read. It highlights how vital it is for landlords to have a comprehensive schedule of condition and check in and checkout of a property along with a comprehensive tenancy agreements clearly stating all of a tenants responsibilities.	
	Informal	

Date	CPD	Hours
01/10/15	Activity type: Work based learning	1
	Purpose: To undertake an in house audit on rental valuations in the area we cover.	
	Description: A senior surveyor chose 3 properties to value and I and the rest of the team then individually provided a valuation for these along with my reasons and comparable evidence.	
	Learning outcomes This ensures that we are all kept fully aware of what is available on the market, what has recently let and what approximate valuations area. By comparing and discussing our individual valuations I reinforced my understanding of how I would value a property and the factors I would consider such as size, no of rooms, condition, garden, type of property, location etc.:	
	Informal	
20/10/15	Activity type: Work based learning	4
	Purpose: To draw up and undertake the induction process for a new member of staff.	
	Description: Provided an induction pack and training to a new member of staff.	
	Learning outcomes: I taught the new member of staff items such as information that needs to be taken when answering a call e.g. name, contacts details ets, how to respond to viewing leads, how to book appointments, how to send out property detail. I also taught them how to log any maintenance calls, what questions to ask a tenant to get as much information about the issue for the landlord as possible and how these should be actions as soon as possible. I also discussed client confidentiality and data and how no one's information or contact details should be given out unless the tenant or landlord agrees in writing beforehand. I also went through out in house computer system and how to find information required on tenants, landlords and properties as well as how to change adverts on out portals.	
	Informal	
04/11/15	Activity type: ARLA Seminar	1
	Purpose: I went to this seminar to gain a clear understanding on what the Right to Rent Act will involve when it starts in February 2016 and how this will impact with regards to residential lettings and property management.	
	Description: ARLA Seminar on Immigration and the Right to Rent Act	
	Learning outcomes: This seminar taught me the main points of the Immigration Act, how I will need to check all tenants have a right to live in the UK and if they are from overseas they have a visa etc. This Visa will then need to be checked every year to ensure they have a right to rent in the UK. I learnt about what forms of ID are valid, that a tenants needs to be seen in person with their valid ID and what the fines are if I do not comply with these new rules and regulations	
	Formal	

04/11/15	Activity type: ARLA Seminar	2
	Purpose: I wanted to gain a good overview of the recent legal changes that occurred over the last 6 months to understand how these would impact me on a day to day basis at work and I would therefore be able to update my landlords comprehensively as to the changes and what actions we as a property management company would take on their behalf	
	Description: ARLA Regional Seminar - – Legal Update	
	Learning outcomes: I gained a clear understanding on the deregulations Act 2015, when and where prescribed information needs to be served and how the changes now mean it does not need to be served if tenant, landlord, premises and deposit scheme stay the same. Also learnt about the new section 21 notice rules, the prescribed forms to use, the fact notice cannot now be served within the first 4 months of a residential tenancy and that certain information such as EPCS, gas safety certificate, how to rent guides all need to be given to a tenants before notice is served. I also gain more of an understanding on retaliatory evictions and the rules and regulations surround this. All of this information will be out into practice with my day to day job of managing properties.	
	Formal	

Date	CPD	Hours
17/11/15	Activity type: ARLA Course	7
	Purpose: I wanted to increase my knowledge on drafting tenancy agreements, ensure all the necessary terms were included in the contracts we use and ensure our terms of business were comprehensive.	
	Description: ARLA Course on Drafting Tenancy Agreements	
	Learning outcomes: I gained an increased knowledge on tenancy agreements, what can and cannot be included in them. The clauses that are important in the tenant and landlord obligations. Why a comprehensive tenancy agreement is important to both a landlord and a tenant. How to draw up special clauses to ensure they cover all eventualities and make it clear to both parties what actions are required etc. I also improved my understanding on how wording should be used in a contract towards break clauses and rent increase options.	
	Formal	
24/11/15	Activity type: Private Study	1
	Purpose: Gain a greater insight into the RICS and property related knowledge.	
	Description: Read Modus Magazine (November 2015).	
	Learning outcomes: The article 'They're going to pay for it' was particularly interesting as we deal with a number of business clients from a variety of professional fields and collect service charge fees for commercial property sites. It highlighted why some companies may take a long time to pay an invoice when compared to	

	<p>other and provided helpful tips in order to ensure payment is prompt. I have reassessed all the information we hold as to where invoices are sent and have checked that the invoices are being sent directly to the person responsible for paying for them and put procedures into place to ensure we chase un paid invoices within a set time scale so that our landlords are not waiting for the payment.</p> <p>Informal</p>	
27/11/15	<p>Activity type: Private study</p> <p>Purpose: To increase my knowledge of the property market and familiarise myself with market news and updates.</p> <p>Description: : Property Professional Magazine Nov / Dec 2015</p> <p>Learning outcomes: Increased my knowledge on the property market at present.</p> <p>Informal</p>	1
01/12.15	<p>Activity type: ARLA Course</p> <p>Purpose: To increase my level of knowledge when dealing with check outs of rental properties, how they should be handled, what evidence collected. How to present this evidence to the TDS and what they are looking at when making a decision</p> <p>Description: ARLA Course - Disputes and Damages the TDS way</p> <p>Learning outcomes: I learnt what procedures should be in place at the start of a tenancy and how a check out process should always occur. Photos as well as written documentations should be recorded at the time of a move in and out. The course gave me procedure to following when trying to negotiate between the landlord and tenant and advice on what would be regarded as damage compare to fair wear and tear. I also gained increased knowledge on how to work out the costing of damage to items such as furniture and carpets as the landlord cannot have betterment so the cost of a new item would not be fully funded. This has increased my confidence of dealing with the negotiations when there is dispute between a landlord and tenant about deposit deductions at the end of a tenancy. I know feel I can give good advice to my landlords as to how a decision may be made by the TDS.</p> <p>Formal</p>	7

Date	CPD	Hours
07/12/15	<p>Activity type: Online learning</p> <p>Purpose: To gain more of an understanding on the new Global Professional and Ethical Standards (launched in March 2012) of the RICS and to understand how the conduct rules, ethics and professional practice affect me as a member.</p> <p>Description: RICS Ethics Standards Walkthrough Online Module</p>	1

	<p>Learning outcomes: I increased my knowledge about the RICS rules and regulations, how I should act as a member of the RICS and why ethics are important within a profession. They set a standard that everyone should adhere to and ensure the very best standard of behaviour. This helps to build trust between my business and clients and also ensures the RICS is viewed as a respectable organisation to belong to. This module also helped to provide me knowledge of how to handle myself in certain situations and questions I could ask if I was worried about compromising myself with regards to gifts etc.</p>	
	Formal	
06/01/16	<p>Activity type: Online learning</p> <p>Purpose: With the causes of flooding expecting to become more frequent and more severe over the years, I wanted to improve my knowledge on how this may affect the clients I work with in terms of their property value and possible insurance issues.?</p> <p>Description: RICS Web Class on Flood Risk - Identify It and dealing with it.</p> <p>Learning outcomes: I learnt about the different type of flooding, where these may occur and why. How flooding affects a property. How to prevent damage to a building by flooding. Also how flooding can affect insurance of a building and what affect this may have to a client and how I would be able to help a client and offer advice.</p>	1
	Formal	
09/01/16	<p>Activity type: Online Academy Course on RICS Professional Ethics for RICS Members</p> <p>Purpose: To understand the importance of ethics to RICS and to know the five global professional and ethical standards that RICS members observe</p> <p>Description: MB Professional Ethics for RICS members</p> <p>Learning outcomes: I now understand the importance of ethics to the RICS and to know the five global professional and ethical standards that RICS members observe and how I should apply these when I am a member of the RICS to working situations that may arise.</p>	3
	Formal	
13/01/16	<p>Activity type: Online Academy Course on Handling Client Money.</p> <p>Purpose: To gain knowledge on the correct way to handle client money and the RICS rules and regulations with regards to client money accounts.</p> <p>Description: Online Academy Course on Handling Client Money.</p> <p>Learning outcomes: I gained a better understanding into how client money should be dealt with, and how a 3 tier reconciliation should be undertaken. The course explained how important it is that client money should always be protected and when looking at a client account you should be able to identify what money belongs to which client easily.</p>	1.5
	Formal	

15/01/16	Activity type: Online Academy Course on Timber Decay and Infestations, Identification and Treatment	1.5	
	Purpose: To gain knowledge on how to identify timber decay and possible infestation so I may be able to identify these if they occur in a property on a property visit.		
	Description: Online Academy Course on Timber Decay and Infestations, Identification and Treatment		
	Learning outcomes: I learnt about the two types of pest that affect timber such as fungi and wood boring insects, the difference between soft wood and hard wood and how fungal attack happens how it spreads and treatments that may be used.		
	Formal		
18/01/16	Activity type: Private Study	1	
	Purpose: To revise my understating on handling client money, chasing arrears and tax requirements for overseas landlords.		
	Description: Read through and made notes on NFOPP technical award in residential lettings and property management Section 4		
	Learning outcomes: Refreshed my knowledge on tax and overseas landlords, record keeping when chasing arrears and rent processing and statements.		
	Informal		
22/01/16	Activity type: Online Academy Course on Dealing with Difficult Clients	1.5	
	Purpose: To improve the way I deal with and manage difficult clients. To feel more confident when issues arise and learn ways in how to handle conflict.		
	Description: Online Academy Course on Dealing with Difficult Clients		
	Learning outcomes: This course helped me to identify who my clients are, when issues may arise and how it is useful to see issues from the side of both parties. Communication is often key to dealing with a difficult client. Factors such as accuracy, being well prepared and presented can help build confidence with the client. The course also provided me with tips on how to handle difficult conversations.		
	Formal		
Total Hours = 57.5		Formal Hours = 30	Informal Hours =27.5

Associate Declaration

Application for assessment as an Associate Member of RICS

Candidate to complete:

I have read, understand and undertake the following:

- to comply with the RICS Charter, Bye laws and Regulations as they now exist, or as they may in the future be amended and also to comply with such other requirements as Governing Council shall determine;
- to promote the objects of RICS as far as in my power;
- not at any time after ceasing to be a member to use or permit to be used in conjunction with my name, or name of any organisation with which I may at any time be associated, any designation or expression denoting or suggesting membership or any connection with RICS
- to pay promptly any monies due to RICS, including but not limited to any fee, subscription, levy, arrears, fine or other penalty, or reimbursement in accordance with any scheme of compensation, or in respect of any goods or services commissioned by me from RICS
- To declare any criminal conviction within 30 days
- That should I wish to terminate my membership, to so signify in writing to the Chief Executive

I confirm the following:

- The work I am submitting for assessment is my own work and a true reflection of my experience, qualifications and development.
- I have disclosed any charge or conviction of a criminal offence where the penalty could be imprisonment, unless it is now a spent conviction, as provided in a rehabilitation of offenders Act 1974 or the equivalent in my jurisdiction.
- I have disclosed the full details of any pending disciplinary proceedings or adverse findings made against me by another regulatory body within the last 3 years.
- I have disclosed whether I am undischarged or bankrupt, or within the last 3 years have been subject to any insolvency proceedings or other arrangements with creditors in respect of my debts (such as insolvency voluntary arrangement)

I understand and accept that I am accountable for the truth of this declaration, that RICS reserves the right to interview me, or contact my mentor/proposer or employer as part of the Associate Assessment quality assurance process.

If at any time RICS discovers that I have failed to disclose any of the above or that I have provided false information it has the right to terminate my membership with immediate effect. (with no further obligation to refund any subscriptions or fees)

Candidate Name	xxxxxx
RICS Membership Number	xxxxxx
Signature	
Date	26/01/16

Counsellor/proposer to complete:

Candidate name: xxxxxx

Candidate RICS membership number: xxxxxx

I, the undersigned, having read and understood the summary of experience, case study and professional development of the candidate. I can verify this is a true and accurate representation of the candidate's own work, training and experience.

All required documentation is present and has been prepared in line with the requirements of the RICS Associate Assessment process. The candidate has met the competencies for his/her chosen pathway as defined by RICS.

I propose and support the above named candidate from professional knowledge of his/her professional competence and achievements as being a fit and proper person to be admitted as an Associate member of RICS.

I understand and accept that I am accountable for the truth of this declaration in support of the above named Associate candidate. I am aware that as part of the assessment quality assurance process, RICS reserves the right to contact me and the company I represent to verify any element of the application. Any false declaration may also result in my professional qualification and standing falling under investigation.

Counsellor Name	xxxxx
RICS Membership Number	xxxx
Grade of membership	FRICS
Firm name	xxxxxxx
Signature	
Date	26/01/16

(A proposer is only required if your counsellor is not an Associate Member (of four years of more), a Professional Member, or Fellow of RICS)

Proposer Name	Click here to enter text.
RICS Membership Number	Click here to enter text.
Grade of membership	
Firm name	Click here to enter text.
Signature	
Date	Click here to enter text.