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Property guardians and the law

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Lobbying for change; protecting your property rights

The term 'property guardian' describes an individual who takes rooms in otherwise vacant buildings, managed by specialist property guardian firms. Previous research has highlighted that the practice is legally problematic for the local authorities, the property guardians, and the guardian companies themselves.

Professor Caroline Hunter and Dr Jed Meers from York Law School have sought to improve the practices of local authorities, with respect to providing adequate information for guardians about their rights, spelling out the obligations of property guardian firms, and lobbying for legal change where the law is unclear, problematic or inconsistent. The project took a collaborative approach, working alongside RH Environmental Ltd. (a specialist Environmental Health consultancy firm), as well as the Empty Homes Network (a community forum with responsibility for bringing empty private sector property back into use for domestic housing).

The research

A strand of the research carried out by Hunter and Meers was commissioned by the London Assembly. It was the 'largest research project on property guardianship to date', and included a survey of the current property guardians in the Greater London area, a mapping of advertised property guardian opportunities, and a discussion with local authorities to understand their concerns with property guardianship. The aim of the project was to achieve positive impacts for the property guardians, by ensuring the current law is understood and complied with, whilst at the same time seeking to change those elements of the law that particularly disadvantage the guardians, providing additional clarity regarding their legal position.

The outcome

The researchers hosted a workshop with 15 local authorities in attendance, subsequently producing a 'Local Authority Pocket Guide to Property Guardians'. They also provided evidence to the London Assembly Housing Committee, that helped generate findings and recommendations to support the ongoing development of best practice. The team has successfully brought together property guardian companies and representatives from the Tenancy Deposit Scheme, to explore the implications of protecting property guardians' deposits. These events and activities have led to improved awareness within the property guardianship sector, and crucially a greater emphasis, with a particular focus on the Mayor of London's office, on some of the major challenges presented by property guardianship.



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