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## Fresh faces at Myers & Co Solicitors

We are pleased to welcome two new solicitors to our team in Burslem: Tammy Morgan and Neil Holden.



**Tammy Morgan**, solicitor



**Neil Holden**, solicitor

Tammy is a solicitor joining the wills and probate team and she provides clients with advice on wills, powers of attorney and probate. She has worked at local law firms in Staffordshire for three years and also has experience in residential conveyancing, for example after probate. Away from work, Tammy enjoys working out at the gym, taking long walks and spending time with friends.

Neil is a solicitor joining the commercial property team, bringing over 30 years of experience in advising clients on both commercial and residential property acquisitions and development. He recently acted for a national chain of public houses across the UK to manage their lettings and licensed premises. As a great classical music enthusiast, he enjoys attending concerts and operatic performances in his spare time.

'The Myers & Co team has gone from strength to strength in recent months and we are delighted to welcome Tammy and Neil to the team,' says director Stephen Myers.

You can contact Tammy on **01782 525021** or email [tammy.morgan@myerssolicitors.co.uk](mailto:tammy.morgan@myerssolicitors.co.uk). Neil can be reached on **01782 525027** or by emailing [neil.holden@myerssolicitors.co.uk](mailto:neil.holden@myerssolicitors.co.uk)



### Watch our new video series explaining key legal issues

Have you tuned into our new video series outlining the role of your solicitor throughout important legal processes such as buying a house or applying for probate?

Find out how your solicitor will use their expertise to help ensure everything goes smoothly. Watch on our YouTube channel: <https://youtube.com/@myerscosolicitors>



Employment



Business



Litigation



Commercial Property



Residential Property



Wills & Probate



Wealth

# Legal considerations after a life-limiting illness diagnosis

On top of the heartbreak and worry that a diagnosis of a life-limiting illness can cause, there will be a raft of concerns and uncertainties about your care and financial affairs.

**Susan Hall**, head of wills and probate, looks at the importance of making a lasting power of attorney.



**A** health and welfare lasting power of attorney can be an essential part of future care planning for those with a life-limiting illness, alongside an advanced care plan', Susan Hall explains.

## A health and welfare lasting power of attorney

You may make a lasting power of attorney for your health and welfare decisions either alongside a property and financial affairs lasting power of attorney or independently.

If making both types, it is not necessary to appoint the same attorneys for each. What is more important is that you are certain your chosen attorneys have the suitable experience and character to make difficult decisions on your behalf. You should also bear in mind your relationship to them, as well as the nature of your condition when considering their suitability. A health and welfare lasting power of attorney also allows for you to decide who should make any decision about life sustaining treatment if one needs to be made. You may either choose for your attorneys to make this decision or for the medical professional to do so.

## Other advanced care planning

In addition to your lasting power of attorney, an advanced care plan allows you to set out in greater detail your personal

choices regarding the care and treatment you should receive. Typically, this is prepared with the help of your care providers and is essentially a written document which sets out your choices. Those choices can include anything from a specific care home in which you wish to live to dietary requirements or personal care, such as haircuts and manicures.

Your advanced care plan should be provided to your attorneys and to anyone involved in your care to ensure that everyone understands your wishes and is working together with the same aims in mind. When preparing an advanced care plan, you should consider the current and future anticipated effects of your illness, the type of care needed bearing in mind accessibility and affordability, the benefits and risks of different treatments, and the type of care or treatment you are happy to receive.

Your advanced care plan should be continually reviewed by you and clearly communicated to your attorneys, family, friends, care providers, and anyone else who plays an important role in your life. Whilst it is a good idea to set out your wishes in this way, you should avoid being too rigid and you should try to consider as many eventualities as possible and how you would like to be treated in each case.

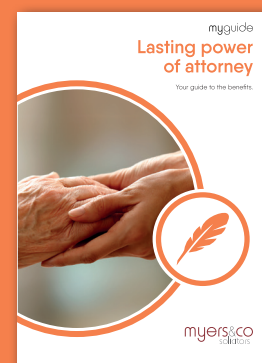
Before writing an advanced care plan, it is always a good idea to obtain legal advice to ensure that your wishes are legally valid and that they do not contradict anything already contained within your lasting power of attorney or any other legal document.

## Will considerations

If you have not already made a will, you should think about who you would like to benefit from your estate after your passing. If you already have a will, it is important to revisit this to ensure that it remains in line with your wishes. If you are in any doubt about whether your current will is still suitable, you should seek legal advice to either ensure that you are entirely satisfied with the terms or to make a new will to reflect your current wishes.

## How can we help?

If you are struggling to know how to prepare yourself legally following the diagnosis of a life-limiting illness, our solicitors can advise you on all aspects of your legal planning. For further information, please contact Susan Hall on 01782 525001 or email [susan.hall@myerssolicitors.co.uk](mailto:susan.hall@myerssolicitors.co.uk)



To request our free guide on a lasting power of attorney, call us on 01782 577000 or email [info@myerssolicitors.co.uk](mailto:info@myerssolicitors.co.uk)

# Increasing rent and tenancy disputes

The cost-of-living crisis is hitting the UK's landlords hard, with soaring inflation, interest rates and energy prices all exponentially adding to the cost of renting out property.

**Sarah Everton**, solicitor, highlights the implications of rent rises.



**A**s a landlord, you may be tempted to simply bump up the rent for all your tenants to cover your rising costs, but there are rules and restrictions involved in doing this and the consequences of getting it wrong can be harsh.

Sarah Everton, experienced solicitor in landlord and tenant matters, emphasises how 'Unfortunately for cash-strapped landlords, you cannot just arbitrarily raise a tenant's rent whenever you feel like it. Unless you can obtain the tenant's express agreement in writing to a rent rise, you can only raise their rent in accordance with the terms of their tenancy agreement.'

## Disputes about rent rises

Even if you follow the required rent review procedure, disputes over rent increases can and do arise. The tenant may feel the new rent you are proposing is too high; they may object to paying a higher rent because you have not carried out required repairs or maintenance; or they simply may not be able to afford to pay the new rent levels.

It is always better to try to resolve a dispute informally of course, but sometimes an agreement cannot be reached. If your tenant has an assured or assured shorthold tenancy, either you or your tenant can apply to the First-Tier Tribunal (Property Chamber – Residential Property).

This allows you to ask the tribunal to decide new rental terms when you renew your tenancy. The tribunal will come to a decision having considered evidence from both sides. You need to pay a fee to apply for a tribunal hearing and we can help you to produce documentary evidence to support your case.



You can request a paper hearing or an oral hearing – the latter will take place either by phone, via video link or in person and you may be asked questions by the other party's legal representatives, as well as the tribunal hearing your case. You will usually get a decision within six weeks whichever type of hearing you opt for.

If you are unhappy with the decision the tribunal reaches, you can ask it for permission to appeal to the Upper Tribunal (Lands Chamber) within 28 days of the tribunal's ruling.

## Evicting a tenant in arrears

In these difficult financial times, it may be the case that your tenants simply cannot afford to pay the rent that you are already charging them – let alone the new rent that you are proposing – and have fallen into arrears. If this is the case, you may want to consider eviction proceedings.

Under Section 8 of the Housing Act 1988, you can usually start possession proceedings if your tenant is more than two months behind in their rent payments within two months (if they pay monthly); eight weeks (if they pay weekly); or three months (if they pay quarterly or yearly).

You must serve a notice seeking possession on your tenant before applying to the court for a possession order. If the order is granted, the tenant will usually be given at least 14 days to leave. If you prefer to reclaim your property on a 'no-fault' basis you can do so at the end of a fixed term tenancy (or earlier if the tenancy agreement has a break clause), using the Section 21 notice eviction process.

You do not have to give a reason for taking possession but you must give at least two months' notice before you want your tenants to leave the property. Notice must be provided on Form 6A.

## How can we help?

Our property dispute experts can advise you on handling rent reviews and tenant disputes, as well as all the procedures you need to follow. For further information, please contact Sarah Everton on 01782 525012 or email [sarah.everton@myerssolicitors.co.uk](mailto:sarah.everton@myerssolicitors.co.uk)

# Investing during turbulent times

It is only natural to ask whether it is worth investing or staying invested.

**W**ith the current worldwide economic turmoil, lack of confidence in UK government and market volatility, especially when bank and building society rates are rising (at least in the short term), it is a valid question.

Slowing economic growth, elevated inflation and flagging fiscal and monetary stimulus do not paint a great picture for the future.

Doom and gloom and recent financial headlines all point towards a recession. As it is likely that a recession will happen at some point, making sensible investment decisions is essential.

It is easy to get caught up in the here and now, but when a recession hits it can be easy to think that the sensible investment decision is to move away from the markets into cash to avoid losing any money.

However, this is often not the case, especially during times of rising inflation.

A knee jerk reaction does not consider the bigger picture and often does not work towards your end financial goal (i.e. reaching retirement comfortably). In times like these, leaving your capital in cash is a sure-fire way to see the real value of those savings go down over time.

When considering investing or saving for retirement, the key is to navigate the various ups and downs, making decisions during times of market volatility while evaluating risk. For those new to investing and also those who are experienced, it can be difficult to sit still during bumpy times, especially when the words 'recession' and 'inflation' are constantly popping up in the news.

It is important to remember that an investment plan is created with an endpoint, which does not change – although how you get there might. You may have to stop, regroup or alter the plan. Patience is a virtue, and there are many ways to navigate different market positions.

## Tips to navigate a volatile market:

- Rely on your adviser as they will have weathered volatile market conditions before. They will know your financial goals and check frequently to make sure you are on the right path.
- Try to avoid making emotional decisions. Listen to your adviser and if they recommend making changes be open to them. There can be lucrative opportunities during a volatile market. If you wait for the market to recover (or show signs of recovery) you may risk missing out as after a slowdown, markets tend to recover quickly.
- Patience is important during volatile times. Stay informed, keep in contact with your adviser and trust in lessons learned from history in order to stay on track for your long-term goals.



To request our free guide to protecting your personal wealth, call us on 01785 577000 or email [info@myerssolicitors.com](mailto:info@myerssolicitors.com)