

Housing repairs

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If you are living in rented property which is in an unsatisfactory condition, there may be several ways of getting repairs or improvements done.

However, it's as well to be aware that trying to get a repair done may put your tenancy at risk. If you only have limited security, you may face eviction if you take action against your landlord. If you are unsure about your housing security you should contact an experienced adviser, for example, Shelter, housing advice centre, law centre or a Citizens Advice Bureau.

As a tenant you have the right to have your accommodation kept in a reasonable state of repair. You also have an obligation to look after the accommodation. The tenancy agreement may give details of both your landlord's and your responsibilities in carrying out repairs and you should check this.

Your landlord's main responsibilities

Private landlords are responsible for most major repairs. There are certain repairs which will almost always be your landlord's responsibility, whether or not they are specifically mentioned in the tenancy agreement. These are: -

- the structure and exterior of the premises (such as walls, floors and window frames) and the drains, gutters and external pipes. If the property is a house, the essential means to access to it, such as steps from
- the street, are also included in 'structure and exterior'. Garden paths and steps are also included
- water and gas pipes and electrical wiring (including, for example, taps and sockets)
- basins, sinks, baths and toilets
- fixed heaters (for example, gas fires) and water heaters but not gas or electric cookers (but see below).

Your landlord will probably not be responsible for any appliances you bought yourself.

Tenant's responsibilities

As a tenant, you have to use your home in a responsible way.

This includes:

- keeping it reasonably clean
- not damaging the property, and ensuring that your guests don't either
- carrying out minor maintenance – e.g. checking smoke alarm batteries
- using the heating properly – e.g. not blocking flues or ventilation.

If you cause any damage to the property or the furniture, even if it's accidental, your landlord will probably be able to charge you for it. They may

decide to keep some or all of your deposit to cover the cost of any repairs or replacements.

Does it matter what a tenancy agreement says?

If your agreement says that you're responsible for something that isn't your landlord's legal responsibility, such as maintaining the garden or cleaning the common stairway, then you will probably have to stick to the agreement.

However, landlords can't get out of their legal responsibilities no matter what the agreement says. If the agreement says that you are responsible for repairing the heating, this won't be valid.

If you don't have a written agreement, or it doesn't say who is responsible for specific things, your landlord still has their legal responsibilities.

Aside from the landlord's basic responsibilities, the landlord may be responsible for repairing or replacing any other items or appliances that are faulty and were provided to you at the start of your tenancy. Check your tenancy agreement and get advice.

Responsibility for damp

Landlords are usually responsible for repairs if the dampness was caused by:

- leaking pipes
- a structural defect (such as leaking roof or cracked wall)
- an existing damp proof course that is no longer working (if there wasn't one to begin with, your landlord is not liable).

If the dampness is a result of condensation caused by lack of ventilation, lack of insulation, and inadequate heating, ask your landlord if they can make changes to your home to improve the situation. However, if these problems existed when you started your tenancy, you may not be able to persuade the landlord to fix them. But always check your tenancy agreement – it may say that your landlord has to fix these problems.

If the dampness is caused by the poor design of the building, your landlord doesn't have to do repairs. However, you can ask the local council to carry out an inspection under the Housing Health and Safety Rating System. If the damp problem is serious enough, the council can tell your landlord to carry out remedial works.

Local authorities' duties

Local authorities (District Councils and the Northern Ireland Housing Executive in Northern Ireland) have a duty to take action against private landlords if:

- the condition of the property affects the health of the occupier, for example, if it is damp, infested with insects or has a leaking roof; or
- the property causes a 'nuisance' to people living nearby, for example, if damp is coming into a person's property from next door, or if rotten windows may fall into the street and injure others.

This duty covers disrepair in common parts of blocks of flats, such as unhygienic rubbish chutes and noisy central heating.

If you think that the condition of the property is either affecting your health or causing a nuisance,

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you should complain to the Environmental Health Department of your local authority (District Council in Northern Ireland). They must investigate and, if appropriate, give your landlord a notice instructing them to carry out the necessary repairs. If your landlord does not comply with the notice, they could be prosecuted and the local authority (District Council in Northern Ireland) can carry out the repair work itself.

These authorities also have a duty to take action against a landlord if they consider that housing conditions are not acceptable for people to live in. This could be, for example, because your home is not structurally stable, doesn't have adequate heating or lighting, or doesn't have a suitable sewer and drainage system.

The local authority will order your landlord to do the necessary repairs. If your property can't be repaired, the local authority may order that it is not to be occupied or that it must be demolished. In this case, it will rehouse you.

Other responsibilities

Common parts

Your landlord is normally also responsible for repairs to common parts of the building, for example, stairways, lifts, hallways or garden paths shared with other tenants or your landlord.

Safety of gas and electrical appliances

Your landlord must ensure that any gas and electrical appliances in the accommodation are safe.

Gardens

If your tenancy agreement doesn't say that you have to maintain the garden, then it won't be your responsibility. However, if the garden is not

mentioned at all, it might not be anyone's responsibility.

Decorations

Tenants are usually responsible for minor jobs, unless they are caused by disrepair or dampness or are due to normal wear and tear. You should not have to redecorate before you leave unless your agreement says so or you have damaged the decoration.

If you want to redecorate, get the landlord's agreement first.

Tenants are responsible for not damaging the property, but normal wear and tear is to be expected. Landlords shouldn't keep your deposit, or expect you to pay for things that have worn out from normal use.

Emergencies

If the work required is urgent, for example, if toilets are blocked, the local authority can take emergency action to remedy the problem.

Repairs for private tenants in Scotland

In Scotland, most private landlords have to make sure that their properties meet a certain standard called the repairing standard. This standard sets out a landlord's responsibilities to keep their properties in a good condition.

If you are a tenant of a private landlord and have problems in your property, you must tell your landlord about these. If your landlord does not do anything to put the problems right, you can apply to the Private Rented Housing Panel. The Panel is designed to be a quick and easy way of getting a landlord to carry out repairs.

is involved, you should mention this to the adviser.

Can I withhold rent from my landlord because of repair problems?

You don't have the right to withhold rent and you shouldn't do this to try to force your landlord to do repairs. Withholding rent could mean that your landlord takes legal action against you for rent arrears and you could lose your home.

In certain circumstances, you can arrange for repairs to be done yourself and use the rent money to pay for the work. This is not recommended as you have to carefully follow a certain procedure to do this. The law in this area is complicated so it is important to get advice.

It's never a good idea to just stop paying your rent, you should consult an experienced adviser without delay.

What you can do about disrepair – using the law

There are a number of laws which cover your right to have your property repaired. However, they are very complex and taking legal action can be very costly and time-consuming. If you're thinking of starting legal action against your landlord, for example a civil court action or a private prosecution, you should first consult an experienced housing advisor.

Useful links: organisations that can help

What you can do about disrepair

Negotiating with your landlord

If your property is in need of repair, the first step is usually to talk to your landlord. It may be worth trying to negotiate amicably with your landlord, even if they do not have a legal duty to carry out a repair.

It is also advisable to put a repair request down in writing. You should keep copies of letters to your landlord.

If negotiations don't work, you may need to take other action to enforce your rights to repair.

If you are thinking about taking action about disrepair in your home, you should check what type of tenancy you have first. Some types of tenancy, for example, assured shorthold tenancies, make it easier for your landlord to evict you. Your landlord may decide to evict you if you ask for repairs to be carried out and you have a tenancy which allows your landlord to do this.

You should contact an experienced adviser to check your housing security. An adviser will check whether you can try to have the repair done without risking losing your accommodation. They will also be able to check whether your landlord is obliged by law to carry out the repair. If you think discrimination

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If you are experiencing any of the issues covered in this factsheet, in the first instance call our free helpline on **0808 801 0550**.

Our Advisors will listen without judging and will work with you as best they can to achieve a positive outcome. If you prefer you can email: helpline@ltcharity.org.uk Visit our website: www.licensedtradecharity.org.uk

It's full of useful information about the kind of issues we know people who work in the licensed trade face.

Shelter

Shelter works to alleviate the distress caused by homelessness and bad housing by giving advice, information and advocacy to people in housing need.

Helpline: 0808 800 444 8am-8pm Monday-Friday; 8am-5pm Saturday, Sunday
www.shelter.org.uk

Citizens Advice

You will find a Citizen's Advice Bureau in most towns. They give free, practical, up-to-date advice. They are non-judgmental and work confidentially. You can find their address and phone number in your local phone book or at www.adviceguide.org.uk

Government Housing

Has information on legal obligations and rights when renting, buying or owning a home, plus information about Council Tax, what to do if you're homeless and where to get help if you have a housing dispute.

www.gov.uk/browse/housing

The First Tier Tribunal for Scotland (Housing and Property Chamber)

The Chamber was formed to deal with determinations of rent or repair issues in private-

sector housing as well as assisting in exercising a landlord's right of entry. The chamber also provides relatively informal and flexible proceedings to help resolve issues that arise between home owners and property factors

www.housingandpropertychamber.scot

Telephone: 0141 302 5900

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