

**Success
Starts Here
Free
Information
Guide**

Services

Children Law
Criminal Law & Fraud
Education Law
Employment Law
Family Law
Human Rights &
Civil Liberties
Immigration Law
Legal Disputes
Mental Health &
Mental Capacity Law
Property
Public & Social
Welfare Law
Wills, Probate, Trusts
& Tax
Services for Business

Contact Us

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Housing Law



An increasing number of people choose to live in rented accommodation as it can be a cheaper way of living. However, renting a property in a bad state of disrepair can cause much inconvenience for tenants.

As a tenant, you have considerable legal rights when repairs are needed to your rented home. This free information guide gives practical advice to tenants facing problems with repairs.

Does my landlord have to carry out the repair?

Under most tenancies your landlord is automatically responsible for repairs to:

- The structure and exterior of your home, including the roof, windows, gutters and pipes
- The heating system, sanitation and the supply of gas, water, and electricity

Your landlord may also be responsible for repairs to the 'common parts', for example, the communal entrance and stairs if you live in a block of flats. This will depend on when the tenancy began.

It is always worth checking your written tenancy agreement as it may give you additional rights.

Giving notice of disrepair

Normally, your landlord will only be in breach of their repairing obligations if they know about the defect and they have had a reasonable amount of time to carry out the repair. You also have an obligation to provide access to the landlord for repairs to be done.

Infestation

If your home is affected by an infestation for example rats, mice or insects, you may have a legal claim. It is generally necessary to show that the infestation originates from areas within the landlord's control and such claims can be complex.

If you are considering taking action, we recommend seeking legal advice at an early stage.

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Keeping records

It is advisable to notify your landlord in writing about the repair problems - keep a copy together with any response. This will help you if there are problems getting your landlord to carry out the repairs and you have to consider legal action.

It is also sensible to keep records of any response from your landlord and any further contact between you and your landlord, or their contractors, about the repair issues. If you can, take photographs showing the disrepair and the effects of it.

If your belongings are damaged by the disrepair, keep receipts for those items and their replacements in a safe place. If you incur additional expenses due to the disrepair, keep copies of receipts, bills and other documents relating to the expenses.

Going to court

If your landlord does not carry out repairs within a reasonable time, legal action can be taken to force them to carry out necessary works. You can also claim compensation, including compensation for damaged belongings, additional expenses and injury to health. You can also claim your legal costs.

Before starting court action, tenants should follow the 'Pre-action Protocol for Disrepair'. This sets out steps for tenants and landlords to take to try to resolve the dispute without the need for court proceedings. It is advisable to seek assistance from solicitors with this process.

In cases where the repairs are urgent, for example because the disrepair puts your family's safety at risk, you may be able to obtain an urgent 'interim injunction' from the Court requiring the repairs to be carried out straight away.

You can also consider other methods of resolving the dispute such as mediation. If your landlord is a Council or Housing Association, you could also use their complaints process and make a complaint to the local government ombudsman or housing ombudsman.

Withholding rent

There is no general right to withhold rent because of disrepair problems. If you want to use your rent to pay for the repairs to be carried out yourself, you should seek legal advice as there is a specific procedure which must be followed first and there some risks involved.

Environmental health

If you have a private landlord, you may be able to ask your Council's Environmental Health Department (sometimes called the Private Sector Housing Department) to inspect your home. If they consider the conditions in your home are harmful to health, they can take steps to require your landlord to act.

Some tenants are concerned that taking action about disrepair may prompt their landlord to begin the process to evict them. This is a particular concern for assured short-hold tenants with limited protection from eviction.

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My rented property is in a bad state of disrepair. What should I do?

If you are a tenant and considering legal action against your landlord, you should seek legal advice from solicitors who are experts in disrepair.

Fisher Meredith has a team of dedicated Housing Law solicitors who have expertise in all areas of landlord and tenant law. Our lawyers are experienced in dealing with complex disrepair cases both at pre-action stage and when court proceedings are issued.

Our team achieves excellent results in obtaining works and compensation for tenants and leaseholders facing a variety of disrepair problems.

Our team understand that housing problems can cause huge distress and inconvenience and will do all they can to assist you to achieve a satisfactory resolution.

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