

Repairs

Many students visit the Advice Centre to complain of problems relating to repairs to their property. Often, they are not aware of their rights as tenants, or their Landlord's responsibilities. This leaflet aims to make you aware of how to take action and enforce your rights.

Responsibility for repairs depends on:

- Housing Law
- Your tenancy agreement (contract) including any verbal agreement
- The type of accommodation

There is no legal definition of disrepair and it does not generally mean the renewal or improvement of a property. Patch repairs can be used and may suffice. However, if the Landlord promises to do something they should do it and you should get any 'promises' in writing.

THE LAW

It is important to remember that you have rights as a tenant that may not be expressed in your tenancy agreement as your Landlord also has obligations set down in legislation. As a tenant, you have responsibilities for some repairs and maintenance of the property.

Under Section 11 of the **Landlord and Tenant Act 1985**, most assured shorthold tenants have the right to repair of:

- the structure and exterior (incl. drains, gutters and external pipes)
- the installations for the supply of gas, water and electricity and for sanitation (including basins, sinks, baths and sanitary conveniences); and of
- heating and hot water installations.

The landlord is required by the **Gas Safety (Installation and Use) Regulations 1998** to ensure that all gas appliances are maintained in good order and that an annual safety check is carried out by a registered engineer. The landlord **must** issue a copy of the safety check record to existing tenants within 28 days or to new tenant before they move in.

The Electrical Equipment (Safety) Regulations 1994 and **The Consumer Protection Act 1987** require the landlord to ensure that

the electrical installation (fixed wiring, etc) and any electrical appliances supplied (cookers, kettles, toasters, washing machines, immersion heaters, etc) are safe to use.

The Furniture and Furnishings (Fire) (Safety) Regulations 1988 require furniture provided by the landlord to be fire resistant.

Under Section 4 of the **Defective Premises Act 1972**, the Landlord has a duty to prevent injury or damage to the property as a result of defects, and you could claim damages in County Court.

Also, if the Landlord provides a service or item, they should ensure it works (e.g. a washing machine).

Under the **Housing Act 2004** most student houses and private halls with 3 or more tenants are classed as HMOs. Local authorities have powers to require landlords to ensure that an HMO is fit to house the number of people living in the property. They can require the landlord to provide extra sanitary fittings, heating installations, facilities for storing, preparing or cooking food, or to make the property comply with fire safety regulations.

Additionally, most HMOs with three or more storeys (including habitable attics or basements) and five or more tenants are required to have a license issued by the council.

'Sheffield amenity standards for HMO licensing' gives full details of the standards required by Sheffield City Council in licensed HMO housing and can be found here:

www.sheffield.gov.uk/in-your-area/housing-services/private-sector-housing/private-landlords/houses-in-multiple-occupation

Voluntary Codes and Standards

Accreditation schemes are voluntary schemes that landlords join to demonstrate that they provide good quality accommodation. Schemes are operated by local Councils, Higher Educational establishments or their agents and landlord associations.

ANUK/Unipol National Code for non-Educational Establishments

Sheffield developments signed-up to this code as of 30th April 2009:

Rockingham House; IQ Brocco; IQ Steel; The Cube; The Trigon; Phoenix Court; Liberty Court; Liberty House; Liberty Works; The Pinnacles; Opal 1,2 and 3; Archway; Central Quay; Devonshire Courtyard; Exchange Works; Leadmill Point; The Anvil; The Forge 1& 2; Victoria Hall Eldon St.

Details of the code's standards and requirements can be found here:
<http://www.anuk.org.uk/LargeCode/Largercodeprivate.pdf>

Details of how and when to make a complaint about breaches of the code can be found here: www.anuk.org.uk/LargeCode/complaints.asp

The Sheffield Responsible Landlord Scheme

Many private landlords in Sheffield are members of this scheme and all landlords registered with SHU's Accommodation Service must agree to sign up. The requirements of the scheme include standards relating to the physical condition of the property such as:

- Property condition
- Health and safety
- Amenities
- Security
- Fire safety
- Gas and electrical safety
- Repair and maintenance

Further information can be obtained from:

www.sheffield.gov.uk/in-your-area/housing-services/private-sector-housing/private-landlords/sheffield-responsible-landlord-scheme

Hallam University's Accommodation Service Code of Practice

All landlords registered with SHU's Accommodation Service must agree to meet the requirements of this code of practice and complaints of breaches can be made to the Accommodation Office (See contacts)

WHO IS RESPONSIBLE?

It is important to distinguish between things that the Landlord has a legal obligation to repair such as leaking roof, faulty cooker or broken toilet, and what repairs they may not be legally obliged to carry out (but which they should do anyway if they are decent Landlords!!) such as grotty carpets, nasty old furniture and broken dustbin lids.

As a tenant, you are expected to:

- Take care not to damage the property and to keep it reasonably clean
- Ensure the fixtures and fittings are not damaged
- Carry out minor repairs such as replacing light bulbs

GETTING REPAIRS DONE

You should get your security/status as a tenant checked before you ask for any repairs to be done. Contact the Advice Centre.

Your Landlord's responsibility to carry out repairs and compensate for any loss is unlikely to start until s/he is informed that there is a problem. You should inform your Landlord in writing of any problems and keep a copy of your letter. Keep a note of any visits or telephone calls.

Example letter

Dear (name of Landlord)

Re: (Address of property)

I am a tenant at the above property and my tenancy commenced on (insert date).

I am giving you notice of disrepair at the property. The disrepair in summary is

*List each item of disrepair and date it was noticed - be thorough but concise.

*Start at the top of the house and work down.

*Note if you were not able to use a room due to disrepair.

I would like to receive notification from you detailing the works to be done and the date that it will be completed.

Yours faithfully,

Once you have informed your Landlord of a problem:

- allow the Landlord time to carry out the work
- ask for a date when the work will be finished
- allow the Landlord access to the property.

You should allow up to:

- 21 days for non urgent repairs (e.g. broken gutter)
- 1-2 days for urgent repairs (e.g. broken toilet).

If you eventually take legal action due to disrepair, you will need evidence. It would be useful to:

- take photos of the disrepair and the exterior of the property
- get independent witnesses to write a statement about the disrepair, sign it and date it

- keep receipts for damaged property, excessive heating etc
- obtain medical evidence from a GP/ counsellor/ social worker if the disrepair aggravated your physical/ mental health.

If the Landlord won't act

Do not stop paying your rent without first seeking advice. Unless a set procedure is followed, you could face court action for rent arrears. You do not have a legal right to withhold your rent because of disrepair.

In some circumstances, by following the right procedure, the tenant could do the repairs themselves and deduct the cost from the rent. Do not do this without first seeking advice

Contact your local council (see Contacts)

Local authorities have powers and duties to inspect rented housing and enforce repair and improvement works.

If you have told the landlord about the need for repairs, but they have not been carried out you can contact your local council. The council have powers to assess the property using the Housing, Health and Safety Rating System (HHSRS).

The council can force a Landlord to carry out repairs. They can serve a notice on the Landlord, which:

- specifies the work to be done
- gives a deadline for the completion of the work.

If the Landlord fails to comply, the council can apply for a court order and a fine for the Landlord.

If the work is still not carried out, the council may do the repairs and then claim the costs back from the landlord.

You would be entitled to apply for compensation for disrepair through the small claims court. Seek advice before doing this.

Take action yourself.

If you decide not to seek help from the council, you could apply to court to get an order for the work. Seek advice before doing this. (See 'Contacts'.)

Housing laws in England & Wales are still generally tilted in the Landlord's favour and what you may see as an unreasonable standard of repair may suffice. But you still have your rights and you should ensure that you exercise them.

CONTACTS

Sheffield City Council

Private Rented Standards advice line:
(0114) 273 4680

Monday to Friday – 9.00am to 5.00pm

In person:
First Point
Howden House
1 Union Street
Sheffield
S1 2SH.

8.30am and 5:30pm Monday to Friday

SHU Accommodation Services

38/40 Howard Street
Sheffield

Tel: 0114 225 4503