

# Taking action on repairs

**In this factsheet we suggest what action you can take if you are a tenant, you have a repair problem and your landlord has not carried out the necessary repair work.**

A landlord is responsible for dealing with most disrepair in a property rented to a tenant. The landlord does not become responsible until s/he knows about it, unless the problem is in a common part of a building. The previous factsheet provided advice about reporting repairs. If the landlord does not carry out the necessary repairs within a reasonable period, you could take court action and/or report the problem to your council's environmental health department. You should not withhold the rent.

## Going to court

Tenants and landlords both have rights and obligations and must comply with the terms of the tenancy agreement. Either can take the other to the county court and seek a remedy for a breach of the agreement. A tenant can seek damages and/or an order from the court if the landlord fails to carry out repairs.

The court can make an injunction ordering your landlord to do something by a certain time, or make a declaration that you can do the repairs yourself and deduct the cost from future rent – in this case, the landlord won't be able to evict you for rent arrears. In emergency situations the court can order your landlord to carry out the work immediately. The court can also decide that your landlord should pay you damages (compensation). You can be awarded damages if the disrepair has affected your health, caused you inconvenience or stress, or damaged your belongings.

The court will look at all the evidence you and your landlord have provided in order to make its decision.

## Costs and other drawbacks

Taking court action can be expensive unless you are entitled to public funding (or legal aid), or your case can be heard under the small claims procedure. If you win the case, your landlord may be ordered to pay your costs. (Visit the Directgov website ([www.direct.gov.uk](http://www.direct.gov.uk)) to find out more information about eligibility for legal aid.) You can only

use the small claims procedure if the cost of repairs or the compensation claimed is not more than £1,000. The advantage of the small claims is once you have paid a fixed fee to the court, you are unlikely to be liable for costs incurred by the landlord if you lose, and if you are liable, then they will be minimal.

Court action can be complicated and slow. You will probably need help from a solicitor, but if your case can be dealt with under the small claims procedure, then you may be able to represent yourself.

Taking your landlord to court to get the repairs may provoke the landlord to take steps to evict you – this is something you must weigh up if you have little security of tenure, for example if you have an assured shorthold tenancy.

## Environmental health

If your property is in a bad condition or puts your health at risk, you can contact the council's environmental health department. If they decide that your home includes a serious hazard, they have to take action. The action can include giving your landlord an improvement notice, ordering her/him to carry out certain repairs, or taking emergency action to do the repairs themselves. If your home is harmful to health, the council can serve an abatement notice on the landlord. There is no charge for these services of the environmental health department. However if your landlord is the council itself, the action the environmental health department can take is limited.

Any report that environmental health produce can be used as evidence if you do take court action.

## Further advice

You can get further advice from Shelter's free\* housing advice helpline (0808 800 4444), a local Shelter advice service or Citizens Advice bureau, or by visiting [shelter.org.uk/advice](http://shelter.org.uk/advice)

\*Calls are free from UK landlines and main mobile networks.



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