

USEFUL INFORMATION

A General Guide on how to Claim against your Landlord for Disrepair.



www.originhousingtenant.co.uk

This booklet is for information purposes only. For legal advice specific to you please contact a Solicitor.

YOUR LANDLORD

YOUR LANDLORD HAS A RESPONSIBILITY TO ENSURE THE PROPERTY IS FIT FOR PURPOSE AND SAFE TO LIVE IN.

The landlord for example is responsible for major repair jobs, which includes things like fixing structural issues, heating and hot water, mending faulty pipes and drains, damp and mould problems that are caused by disrepair, or sorting out a broken toilet, bath or sink.

Your landlord should also redecorate if needed once the problem is fixed.

The next couple of pages will run through some helpful steps on:

How to address your concerns to your Landlord.

Key information.

Types of claims.

Considering court.

Solicitors and getting advice.

Other points of contact such as Ombudsman or Environmental Health.



1

When to contact your Landlord



Contact your landlord as soon as you come across a problem, particularly if it's a big one that could cause long-lasting damage to you, your possessions, or the landlord's property.



Complaining verbally to your landlord should be enough, but it's sensible to notify them in writing as well.

2

Collect EVIDENCE of disrepair



Take and send photos/video evidence of the damage when you complain to the landlord, particularly if they're not taking action and the problem is getting worse.



Keep copies of all correspondence, including texts, emails, letters or notes.



If you've had to replace damaged items yourself, keep the receipts.



If the problem is making you ill, keep any letters from your GP proving this to be the case.




3

Get a written record

•
•
•

 An email is enough to make sure you have a record to refer back to what happened and when.

•
•
•

 If you need to claim compensation, it could be important to show that your landlord was aware of the disrepair, so it's always a good idea to have the complaint in writing.

•
•
•


 Once your landlord or agent is aware that the property is in disrepair, then remedial action should be taken by them to a good state of repair and as quickly as possible.

•
•
•

4

Repair work timelines


•
•
•

 Normally, tenancy agreements give landlords the right to enter the premises to inspect its condition and carry out maintenance, provided they give the tenants at least 24 hours notice in writing.

•
•
•

 Timescales as to how quickly the landlord should attend to the disrepair depends on the type of problem.

•
•
•

 For example, a burst water pipe will need attention more quickly than a radiator that's not warming up.

KEY INFORMATION

Once the landlord is notified, remedial action should be carried out as soon as possible and they should repair within a 'reasonable time'. However, what constitutes a 'reasonable' time-frame can vary from case to case.

COMPENSATION



If your personal property is damaged due to disrepair or your landlord's failure to carry out repairs, you can claim compensation.

- You may want to claim compensation for clothing, bedding, or curtains that have been spoilt by damp or mould.
- Or you may wish to claim for damage to your furniture caused by water leaking from burst pipes that your landlord hasn't fixed.
- You can also claim compensation for property damaged while repair work was being carried out.
- The amount of compensation you can claim will depend on the circumstances.

It's best you take legal advice on your specific claim before starting any action.

To back up your claim, take photographs/videos of the damage and keep receipts for anything you've had to replace and/or any additional expenditure.



A GOOD TIP : Take time / date stamped photos and always keep backups.

TYPES OF CLAIMS

Property Damage Claims :

- You may want to claim compensation for clothing, bedding, or curtains that have been spoilt by damp or mould.
- Or you may wish to claim for damage to your furniture caused by water leaking from burst pipes that your landlord hasn't fixed.
- You can also claim compensation for property damaged while repair work was being carried out.
- The amount of compensation you can claim will depend on the circumstances.

It's best you take legal advice on your specific claim before starting any action.

Health Damage Claims :

- If you're claiming for damages to your health, you'll have to prove that the disrepair and your health problem are linked.
- This is known as **causation**. The disrepair doesn't have to be the only cause of the health problems, but it must be a contributing factor.
- You'll need to take legal advice before making such a claim, though, as there is a personal injury protocol that must be followed.

You'll need to take legal advice before making such a claim, though, as there is a personal injury protocol that must be followed.

Abatement and inconvenience :



- If you haven't been able to use part or all of your rented property because of disrepair, in most cases you will be entitled to a reduction or refund of your rent. **This is known as abatement.**
- How much of the rent is abated depends on how much of your home is or was uninhabitable.
- If no part of the house is habitable, 100% of the rent may be abated. If only part of the house is unusable, then the rent can be reduced proportionally.
- Depending on the circumstances, you may also be able to claim compensation for the inconvenience.
- How much compensation you get depends on the level of disrepair and inconvenience you've suffered.

It's best you take legal advice on your specific claim before starting any action.

If your Landlord Decants You :

Your landlord can't make you leave your home just for asking for repairs to be done. They have to follow a proper decant/eviction process if they want you to leave.

Origin Housing *currently has no searchable or accessible Decant policy. It is a policy that all Housing Associations should have in place for their Tenants. It provides the tenant with what to expect when being decanted and more importantly what they are entitled to.

Whether having to leave your home is temporary or made permanent, here's a link to a pdf document that may be useful:

CITY OF LONDON - DECANT POLICY

(Pages 8-12 of that document tells you what your are entitled to and gives you an idea of the type of assistance and compensation you could expect).

GOING TO COURT

If your landlord **refuses or drags out** the carrying out of necessary repairs, you could take them to Court.

You should seek legal advice after a reasonable period has elapsed since your complaint, and any of the works remain outstanding.

You're more likely to win if you've got strong evidence to show that your Landlord hasn't taken their responsibility seriously, and that you've done all you can to remedy any disagreement.

The Court could order your Landlord to :

- Do the repairs within a certain timescale.
- Pay you compensation for damage to your personal property or health as a result of the continuing disrepair.
- Pay part or all of your legal costs for going to court.

SOLICITORS

A 'no win, no fee' agreement is a simple way of ensuring your costs are covered if you need to take legal action due to your council/housing association property being in an unliveable condition.

Also known as a conditional fee agreement (CFA), it means that the lawyer representing you in the case will not take any payment until the end of the case.

If your case is successful, then the legal fees will be paid for by the client's housing association or council.

The solicitor will also take a share of any compensation received.

Below is a list of just some of the many Solicitors that can offer free initial advice/consultation regarding your housing disrepair situation.

Other reputable firms are to be found online under the heading 'Housing Disrepair Solicitors'. You can phone or email them.

A GOOD TIP :

It's a good idea to write down a short summary of what has occurred to date and or bullet points - so that they can determine on first speaking or communicating with you the possible merits of your case and whether or not they would be prepared to act for you.

Duncan Lewis - Tel: 033 3772 0409

Osbornes Law - Tel: 020 7485 8811

Oliver Fisher - Tel: 020 3219 0145

New Broad Street Law – Tel: 020 7194 7985

Freeman Harris - Tel : 020 7790 7311

Edwards Duthie Shamash - 020 8514 9000

Farani Taylor – 020 7242 1666

Wainwright & Cummins - 0207 095 5700

OTHER CONTACTS

HOUSING OMBUDSMAN :

If you don't want to go down the Court route, you yourself can instead register a formal complaint with the Housing Ombudsman.

You should be aware that the Ombudsman has in the past taken a lengthy time to resolve matters and **their powers and compensation awards have been somewhat limited.**

Recently, however, there has been indications that the Housing Ombudsman will look at racism and social housing complaints and how race impacts on a residents ability to access their housing providers complaints process and speed of resolution.

ENVIRONMENTAL HEALTH :

If the disrepair is causing you ill health, contact your local **Environmental Health Department.** Contact details for your borough can be found online.

DISCLAIMER



This booklet has been put together in order to provide some information and general guidelines that will hopefully assist you in being able to contact the relevant organisation particular to your concerns. **This brochure does not replace the advice of a solicitor.**

In order to pursue any legal claims you should seek legal advice from a reputable solicitor.

Some of the contents have been sourced from a range of external sources along with personal experience:

SOURCES:

SHELTER :

https://england.shelter.org.uk/housing_advice/repairs/landlord_and_tenant_responsibilities_for_repairs

https://england.shelter.org.uk/professional_resources/legal/housing_conditions/responsibility_for_repairs/repairing_obligations_implied_terms_in_tenancy_agreements

WHICH :

<https://www.which.co.uk/consumer-rights/advice/how-to-claim-against-your-landlord-for-disrepair-aUqoB6h4YabA>

CITIZENS ADVICE :

<https://www.citizensadvice.org.uk/housing/repairs-in-rented-housing/repairs-what-are-your-options-if-you-are-a-social-housing-tenant/taking-court-action-because-your-landlord-wont-make-repairs/>

This document was created prior to the release of the white paper for Social Housing due in the spring of 2022.

By the time that is released and depending on the changes that may or may not be implemented some of the information provided in here may become redundant.

This brochure is not for commercial use.



The trauma of having serious outstanding or inadequate repairs in your property can deeply impact the enjoyment of your home, finances and life in general.

Being unsure of what you are entitled to and who can help, can worsen an already negative experience.

We hope that this document has provided you with some helpful information.

We wish you all the best in getting
your situation remedied.



www.originhousingtenant.co.uk

Email: info@originhousingtenant.co.uk