

## **Disrepair and other housing hazards**

### **What this factsheet is for**

This factsheet gives advice on the action a tenant should take when finding disrepair or other safety or health hazards in their accommodation.

The advice applies to tenants living in private rented housing and to tenants of Housing Associations and other social rented housing providers.

### **What should I do if I think my home is in serious disrepair or affected by some other form of housing hazard?**

You should follow these steps: -

#### **Step 1**

You should report the defects to your landlord or letting agent, preferably in writing. Ask them to consider your concerns and let you know what action they will take. You will need to co-operate with any arrangements your landlord or agent makes to visit to examine the defect and carry out the work required. You should allow your landlord a reasonable time for the work to be done.

#### **Step 2**

If you do not receive a satisfactory response or the repair is not being done, contact us again. We will make arrangements with you to call to examine the defects and discuss the action we can take.

You need to be sure that you are willing for us to speak to your landlord. We will ask you for the details of your landlord or agent including how to contact them.

Please note that, in general, we cannot help you with re-housing; our role is to improve housing for your benefit and that of future occupiers.

### **What happens next?**

An assessment of the property will be made to decide whether the defects come within the housing law that we administer and are serious enough to require attention. Where any such defects are identified we will discuss with you the action that we are legally able to take. In most situations we will deal with your landlord on an informal basis first rather than taking formal enforcement action although this will be dependent upon the severity of the problem.

Where any risk to health or safety is not regarded as serious we will not be able to assist with resolving the problem and will inform you of this. Likewise, we will not take any action where a problem is the result of damage caused by a tenant, member of their household or their friends etc.

### **What action can the council take if the landlord does not respond?**

Amongst other things, we can:

- Serve a notice on the landlord, requiring him or her to carry out works to deal with the defect within a specified time. If the landlord does not act, we can do the work and recover the cost.

- Make a legal order controlling the occupancy of the dwelling.
- Take emergency action if the defect needs immediate attention.

The action we take in any particular case depends upon a number of factors, including: the nature of the defect; its severity; whether it can be remedied; and the overall condition of the house or flat. We will let you know what action we feel is appropriate in the circumstances.

### **Can I get compensation for living in bad conditions?**

Your landlord has certain obligations regarding the repair of your accommodation that if breached could enable you to seek redress. The Council will not act on your behalf for this, you will have to seek your own legal advice about how to proceed.

### **What if my landlord tries to evict me because of contacting the Council?**

Your landlord can only end your tenancy if they have followed the proper legal procedure. This will depend on the type of tenancy you have. If you feel as though you may be evicted or if your landlord is making life difficult for you because of the repairs please contact our Housing Advice Team.

### **Can I stop paying my rent because my landlord is not carrying out the repair?**

You are advised not to stop paying your rent as this may make it easier for your landlord to evict you. However, should you wish to do this you should first take specialist legal advice. It may be necessary to keep the amount you would have paid in a separate account to demonstrate your willingness to pay rent. Your solicitor will advise you on this.

### **Should I do the repairs myself?**

Only do the repairs if you are responsible for the damage and if you are qualified to do so and have the landlord's permission.

**This information is available in other formats including large print or tape.**

#### **Contact:**

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Paris Street  
Exeter  
EX1 1RQ**

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