

Taking action on repairs

This factsheet considers the action you can take if your landlord has not carried out necessary repair work.

Your landlord is responsible for dealing with most repairs in your home

If your landlord does not carry out repairs within a reasonable time, you could:

- report the problem to your council's environmental health department
- take court action

You do not have the right to stop paying your rent.

Your landlord also has to make sure your home is fit to live in during your tenancy.

Contact 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.

They can order your landlord to take action to deal with anything that creates a hazard, or carry out emergency repairs themselves.

If your home is harmful to health, the council can serve an abatement notice on the landlord. These actions are free of charge.

Environmental health can take limited action if you rent from the council. You may be able to make a formal complaint, contact the [Ombudsman](#) or take court action.

Going to court

You can take your landlord to court if they don't do the work required or do it badly.

The court can:

- order your landlord to do something by a certain time (an 'injunction')
- make a declaration that you can do the repairs yourself and deduct the cost from future rent
- in an emergency, order your landlord to carry out the work immediately
- order your landlord to pay you damages (compensation) 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.

If your landlord doesn't carry out works ordered by the court, they'll be in contempt of court and can be fined.

Costs and other drawbacks

Taking your landlord to court should be the last resort. It's best to get advice first. There may be steps you will have to take before you start legal action.

Court action can be complicated and slow. It can also be expensive. You usually need help from a solicitor.

You may also need to pay for:

- an expert's report to tell the court about the condition of your home
- a medical report if you're health has been affected.

If you win the case your landlord should pay your costs.

Legal aid

If you are on a low income or claim benefits, you could get legal aid. But you can only get legal aid for a repairs case if:

- there is a serious risk of harm to you or others in your household, or
- it is part of your defence to a court action brought by your landlord to evict you because of rent arrears

Risk of revenge eviction

Taking a private landlord to court may provoke them to take steps to evict you. This is called 'revenge' or 'retaliatory' eviction. You must weigh up this risk.

There is some protection against 'revenge' evictions if you ask the council to inspect your home for hazards and they give your landlord an improvement notice or an emergency remedial notice.

Further advice

You can get further advice from england.shelter.org.uk/housing_advice, local Shelter advice service or local Citizens Advice.

If you have nowhere to sleep tonight, are at risk of harm or losing your home within the next 2 months, call Shelter Helpline on **0808 800 4444** for advice and information on your options.*

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



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Note

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