

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 (see *factsheet 1*).

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

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

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

Going to court

You can take your landlord to court if they don't do repairs or do them badly.

The court can:

- order your landlord to do something by a certain time (by '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.

Costs and other drawbacks

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

Many repairs cases are dealt with under the county court's 'small claims' track, which is quicker and simpler. Another advantage is that if you lose the case you don't usually have to pay your landlord's costs.

The court decides if it will be a 'small claim' but it is usually dealt with this way if you want to ask the court to order your landlord to either:

- do repairs costing under £1000 and pay you compensation of up to £1000, or
- only pay you compensation of up to £10,000.

Legal aid

If you are on a low income or claim benefits, you may be able to 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.

Contact Civil Legal Advice on **0345 3454 345** to check if you can get legal aid.

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 give your landlord an improvement notice, order them to carry out certain repairs, or do 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 only limited action if your landlord is the council itself.

Risk of retaliatory eviction

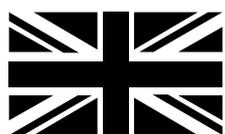
Taking a private landlord to court may provoke them to take steps to evict you – you must weigh up this risk. There is some protection against 'revenge evictions' if your tenancy started or was renewed on or after 1 October 2015.

See the factsheet *Section 21 notices: restrictions* for what to do if your private landlord tries to make a 'revenge eviction'.

Further advice

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

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



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Note

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