

This factsheet looks at what you can do if you are a tenant and are living in a property that is in disrepair.

What is the landlord responsible for?

Your landlord is responsible for most, but not all, repairs. If you are a tenant your landlord is usually responsible for repairs to:

- the structure and exterior of the building (e.g. walls, roof, external doors and windows, internal walls and ceilings, including plasterwork)
- sinks, baths, toilets and other sanitary fittings, including pipes and drains and guttering
- central heating, gas fires, fireplaces, flues, ventilation and chimneys
- gas pipes, electrical wiring and some appliances provided.

If you are a tenant, your landlord always has these minimum duties, unless:

- your tenancy started on or before the 24th October 1961, or
- your tenancy is for a fixed term of 7 years or more.

What about my responsibilities as a tenant?

These include:

- keeping your home reasonably clean
- not damaging the property and making sure your guests don't either
- carrying out minor maintenance, such as checking smoke alarm batteries
- using the heating properly.

Is my tenancy agreement important?

Yes. Your tenancy agreement might give the landlord extra repairing duties to those listed above. It may also give you additional duties, such as cleaning the windows at least annually. Whatever the agreement says, the landlord cannot get out of the minimum repairing duties that are listed above..

Reporting disrepair

Always report a repair problem to your landlord in writing or by email and keep a copy.

How quickly should repairs be done?

The time taken to carry out repairs must be reasonable and will depend on the type of repair needed. Urgent repairs (such as a blocked drain) should be carried out within a day, whilst repairs needing building works may take much longer. In some situations, temporary repairs may be required.

Giving the landlord access to carry out repairs

You must allow the landlord or agent access to see what repairs are needed and to carry out the work. They should give you reasonable notice – usually 24 hours unless it's an emergency.

My landlord won't do the repairs – what should I do?

Before taking any action, think carefully – your landlord might decide to end your tenancy rather than do the repairs. If you are a private assured shorthold tenant, this can be quite easy. If you want to stay, try and negotiate first.

If you've tried negotiating and your landlord won't carry out repairs you have several options. These include:

- taking the landlord to court to get an order that repairs must be carried out

and/or making a claim for compensation

- using the rent to pay for repairs (always get advice before doing this, because there is a special procedure you must follow very carefully)
- asking the local council's environmental health department for help
- complaining (if your landlord is the council or a housing association) – first using their formal complaints procedure and then to Public Services Ombudsman for Wales if you are still not satisfied.

Can I withhold the rent?

Even if there is disrepair, you don't have the right to stop paying the rent. The landlord might try to evict you for rent arrears. The exception is where you have used the money to pay for repairs, but only if you use the correct procedure. If you do stop paying, keep the money to one side in a separate bank account so you can pay off the arrears quickly if you need to.

Getting evidence

If you need to take further action, you should gather evidence of the disrepair, the damage that it has caused and the steps you have taken to try and get your landlord to carry out repairs. You could:

- take photos
- keep any belongings that have been damaged. Look for original receipts and work out the cost of replacing damaged items

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- get an expert to inspect your home, such as the council's environmental health officer or a building surveyor
- keep copies of all letters, emails and text messages
- notes of any conversations with your landlord about the disrepair, including the date
- if you have had to seek medical advice because of disrepair keep a note of this. If needed you can get copies of your medical records or a report from your doctor
- keep hold of receipts for anything that you've had to spend money on due to the disrepair, such as cleaning materials or replacement clothes, or extra heating costs.

Can I get legal advice?

It is always worth getting legal advice if there is disrepair in your home. An advisor will be able to talk through your options with you and help you to decide what the best thing to do is in your circumstances.

You may be able to get legal aid to cover your legal costs if you see a solicitor and they assist you. This will depend on your income. Not all solicitors do legal aid work, but you can get details of those who do from [Civil Legal Advice](#) on 0845 345 4345.

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Information contained in this factsheet is correct at the time of publication. Please check details before use.

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Further advice

send us an email at

<https://sheltercymru.org.uk/email-advice/>

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