

Enforcing Your Rights

Where the Tenant Has Damaged the Property

If the property does not meet The Repairing Standard owing to damage caused by the tenant, the landlord is not obliged to repair this.

Withholding Rent — A Warning

It can be very tempting to stop paying your rent if you are living in poor conditions. However, this is legally unwise and can result in eviction. The best course of action is to follow the steps below.

Before Applying to the Tribunal

Before applying to the tribunal, you must send a formal letter/email outlining what aspect of The Repairing Standard you feel the landlord has breached, including photos. Once you have written to the landlord, if you have not had a satisfactory outcome you should apply to the Tribunal. Furthermore, you must ensure the landlord has access to the property to perform repairs.

Applying to the Tribunal:

Download and fill out 'Form A', the application for repairs:

<https://www.housingandpropertychamber.scot/sites/default/files/hpc/Form%20A%20Repairs%20applications%20%5Brevised%20Mar%202019%5D.pdf>

You will need to include a copy of the tenancy agreement and the letter sent to the landlord advising them of the need for repairs.

Contacting the Housing and Property Chamber

Housing and Property Chamber,
First-tier Tribunal for Scotland,
Glasgow Tribunals Centre,
20 York Place, Glasgow, G2 8GT



0141 302 5900



HPCAdmin@scotcourtsribunals.gov.uk



www.housingandpropertychamber.scot/home

Housing Law

Know your Rights & Remedies

Repairs & Maintenance

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LAW CLINIC

You Have the Right to a Safe, Warm, Comfortable Home

The Repairing Standard

All landlords (or a letting agency acting on a landlord's behalf) must ensure, at the start of your tenancy and throughout it, that the property you are renting meets the legal "Repairing Standard." This duty applies no matter what type of private sector tenancy you have. The property must:

- Be wind and watertight, and otherwise fit for human habitation.
- The structure and exterior, including drains, gutters, and external pipes, must be working properly and in reasonable condition.
- The installations inside the house which supply water, gas, electricity, sanitation, heating (including the boiler) must all work properly and be in reasonable condition.
- Any fixtures (e.g. an electric shower) and appliances (e.g. washing machine) provided by the landlord must work properly and be in reasonable condition.
- Any furnishings provided by the landlord (e.g. wardrobes, beds, sofas) as part of your tenancy must be safe to use.
- The house must have fire and carbon monoxide detectors/alarms.

Before you move in, your landlord must inspect the property to check if the above conditions are satisfied, and notify you if repairs need to be done.

Mould and Dampness

This is a difficult problem, both literally and legally. Whilst mould/dampness can point to a failure to adhere to The Repairing Standard (e.g. the house not being watertight or problems with heating), landlords frequently argue that it is the tenant's fault as tenants are required by law to heat and air the property. A dispute in this area will depend on the facts and credibility of the parties, and may require expert evidence.

Good to Know:

Your landlord is required by law to pay for any damage caused during the repair process.



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After Submitting Your Application

After submitting your application, the Chamber President will decide within a practicable time whether to accept or reject it. If accepted, the Tribunal will normally ask to visit your property to inspect its conditions. Thereafter a decision is made. There are two remedies:

RSEO

If the Tribunal decides that the landlord has breached The Repairing Standard, they will issue a Repairing Standard Enforcement Order compelling the landlord to perform whatever work is necessary to bring the property up to standard within 21 days. The landlord cannot re-let the property until the order is complied with; and it is a criminal offence to do so. Once the repairs are done, a certificate of completion will be issued by the tribunal.

Rent Relief Order

If the landlord does not comply with the RSEO in the allotted time, the tribunal will inform the local council of this and may decide to issue a rent relief order. This can reduce your rent by up to 90%. If repairs are subsequently performed, the order will be revoked but you will not have to pay back any deducted rent.

Can I get Compensation?

Tenants often ask whether they can get compensation, or rent back, for living in a substandard house whilst awaiting repairs. However, the law is designed to resolve the underlying problem rather than award money: unfortunately, you cannot claim for damages or to get your rent back. The primary remedy is to enforce repairs; and failing that, you can have your rent reduced by up to 90% as outlined above.