



HATTIN
SOLICITORS

HOUSING DISREPAIR

A Brief Guide

HOUSING DISREPAIR

Landlords are obligated by law to ensure their properties are kept in good condition, this is irrespective of whether your landlord is a private individual, housing association or council.

WHAT CONSTITUTES HOUSING DISREPAIR?

A tenant should be comfortable in their living space and the landlord must ensure the dwelling they let out is fit for human habitation. This means the tenant is protected from disrepair. **Disrepair can include an array of issues including:**



Damp and Mould



Issues relating to inadequate heating and hot water



Roof, windows and gutters



A lack of ventilation



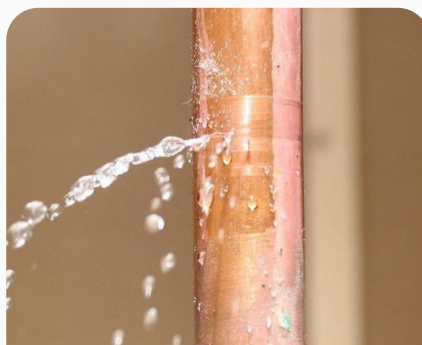
Electrical faults



Hazards



Structural and exterior



Damaged pipework



Pests

HEALTH PROBLEMS ARISING FROM DISREPAIR

We often encounter tenants who come to us after having been embroiled in a lengthy dispute with their landlords and are extremely frustrated as they have developed serious health issues. This is particularly concerning where children and the elderly are involved.

Health problems arising from disrepair can include:

1. Respiratory issues
2. Allergies
3. Asthma
4. Chronic obstructive pulmonary disease
5. Headaches
6. Fatigue
7. Lead poisoning which can cause health issues for children including learning difficulties, development delays and brain damage
8. Impact on mental health
9. Stomach problems
10. Carbon monoxide poisoning



WHAT CAN YOU DO?

If you are living in disrepair the Landlord must rectify the disrepair. The first step is to report the disrepair. The repairs must be carried out within a reasonable timeframe. If the Landlord does not seek to rectify the disrepair you most likely have grounds to take legal action against your landlord.

It is important to keep a record of interactions with the Landlord and to take photographs of any disrepair.



FREQUENTLY ASKED QUESTIONS ABOUT HOUSING DISREPAIR CLAIMS

How many times should I report the disrepair to my landlord?

Disrepairs should always be reported to the Landlord. If your repair is of an urgent nature (you have no heating or you are without electricity) the Landlord should respond quickly and be preparing to rectify the problem within 24 hours. However if the repair relates to a non-urgent issue such as wallpaper staining or a broken shelf, then the Landlord may take longer.

What can I do if my Landlord won't make the repairs?

As soon as you become aware of the disrepair, it is important to keep a record of evidence of all the attempts made to reach the Landlord regarding the disrepair whether it be through text message, email or letter.

It is important to give the Landlord enough time to make the repair and also to be flexible in allowing the relevant contractor access to your property.

Legal action should always be a last resort and before issuing a claim it is important to be able to show all efforts were exhausted to resolve the problem without the involvement of the courts.

Can I withhold rent?

Tenants often feel it is unfair to pay a Landlord rent whilst their home is in disrepair. However from a legal perspective you do not have a right to withhold rent because of disrepair. In fact this can be extremely precarious for the tenant as the Landlord can then take steps to evict you.

Could I put forward the money I would usually pay for rent to pay for the repairs?

This could result in an eviction. There is also no guarantee that you will be able to recover the costs of the repair from your landlord if you choose to do so. There is also the risk your Landlord can bill you for any damage caused by the work. You may be able to get the Landlord to agree in writing to deduct the costs of the repair from the rent.

Can my Landlord evict me if I start a claim?

Legally the Landlord is not able to evict you for simply making a housing disrepair claim. You may challenge the retaliatory eviction notice if it is within six months of reporting the disrepair to your Landlord or council.

How can a solicitor help me?

A solicitor will examine all the evidence before them. This will include:

- a. Notifications of disrepair to the Landlord
- b. Photos of the disrepair
- c. Evidence from medical notes
- d. Surveyor reports
- e. Evidence from other residents in the property or neighbours

The level of compensation you can claim will be dependant on the extent of the suffering the disrepair has caused you.



WHY CONTACT HATTIN SOLICITORS?

At Hattin Solicitors we have a wealth of experience across our team. If your home is in a state of disrepair, our expert solicitors will be able to support you in making a claim to ensure your home is repaired and in many cases financial compensation for what you have suffered as a result of housing issues.

If you want to find out more contact our team on 0208664600 or email us on info@hattinsolicitors.com.

ABOUT US

Hattin Solicitors are amongst the leading law practices in Streatham. We are situated on Streatham High Road in the heart of Lambeth.

Hattin Solicitors specialise in many areas including Family Law, Immigration Law, Litigation and Landlord & Tenant. We are a friendly law firm and pride ourselves in providing clear and jargon free legal advice.

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0208 664 6600 | info@hattinsolicitors.com | hattinsolicitors.com
314 Streatham High Road, Streatham, SW16 6HG