

Other Remedies

If the conditions in your home are so bad that they present a threat to health and safety e.g. penetrating, traumatic or rising dampness, structural defects or electrical problems, you can serve a notice on your landlord under the Environmental Protection Act 1990. Should your landlord fail to carry out the necessary repairs within 21 days, you can then raise court proceedings against them. If you think this may apply to you, you should seek advice.

You can also raise court proceedings against your landlord for compensation. You can seek compensation for financial loss (e.g. damage to your property or belongings), injury (e.g. if you have developed asthma or your asthma has worsened due to dampness) and the inconvenience and embarrassment of living in a house in disrepair. You can also seek to recover some of the rent you have paid. If you think you have grounds for seeking compensation from your landlord you should seek advice.

Getting Help

You may be able to obtain free legal advice and representation from a law centre. If you are on a low income you may be able to get free help from a local firm of solicitors. It is always best to get help as soon as possible.

If you live in Govanhill you may be able to get free help from Govanhill Law Centre.

Contact Details

Govanhill Law Centre
168 Butterbiggins Road
Govanhill
Glasgow
G42 7AL

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Fax: 0141 433 2984

GOVANHILL
LAW
CENTRE

HOUSING RIGHTS: PRIVATE RENTED HOUSING - DISREPAIR



Govanhill Law Centre is part of Govan Law Centre Trust, an independent community controlled organisation. Registered Charity No. SCO30193. It's legal work is undertaken by the independent legal practice of Dailly & Co. Solicitors, a partnership between Mike Dailly and Iain Nisbet. It is funded by the Scottish Government and receives financial support from Govanhill Housing Association, Govanhill Community Development Trust, Oxfam and UNISON.



DISREPAIR

The information in this leaflet applies to you if you live in a private tenancy, for example if your landlord is an individual, agency or private business and not a council or a housing association.

Repairing Standard

The law states that your home should meet a certain level of repair. This is known as the “repairing standard”. It is your landlord’s duty to ensure that your home meets this level of repair both at the start of your tenancy and throughout.

This means:

- Your home should be wind and watertight
- The structure and exterior of the house (including drains, gutters and external pipes) should be in a reasonable state of repair and in proper working order
- The installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water should be in a reasonable state of repair and in proper working order
- Any fixtures, fittings and appliances provided by the landlord under the tenancy should be in a reasonable state of repair and in proper working order

- Any furnishings provided by your landlord under the tenancy should be capable of being used safely for the purpose for which they were designed
- Your home should have satisfactory provision for dealing with fires and for giving warning in the event of fire or suspected fire (e.g. a smoke alarm and fire extinguisher)

If your home does not meet this standard of repair you should inform your landlord immediately and request that repairs are carried out. If your landlord refuses to carry out repairs you should seek advice immediately. It is best to report repairs to your landlord in writing and keep a copy of your correspondence as proof.



Private Rented Housing Panel

If you have reported repairs to your landlord and they have failed to take any effective action, you can apply to the Private Rented Housing Panel (PRHP) for help. You will have to show the PRHP proof that you have reported repairs to your landlord. This could be a copy of the letter you sent to your landlord.

To do this you need to complete an application form. Your application will be considered by the President of the PRHP. If the President considers that you have a relevant case, your application will be passed to the PRHP Committee. The Committee can come to your home and look at the repairs that are needed. They can also arrange a hearing or mediation.

If the Committee decide that your home does not meet the repairing standard they will issue what is called a “repairing standard enforcement notice” which requires your landlord to complete the repairs within a specified period of time (at least 21 days).

You can find out more information about the PRHP and download the application form from their website: www.prhpscotland.gov.uk/prhp/1.html

The process is fairly complicated so you may wish to seek help from your local law centre or Citizens Advice Bureau.