

## **Environmental Health - Housing Standards**

For enforcement purposes, the Environmental Health team are concerned with those matters which can be considered the responsibility of the owner or landlord. Although not intended to be an interpretation of the law, the following guidance is given as an explanation of the landlord's (or owner's) responsibilities.

### **Reporting repair problems**

You must always report a problem to your landlord first. Always report the repairs in writing. If it is urgent, make a telephone call first, but always write as well. Date your letter and keep a copy and forward it to the Council if you have made a complaint to us. You can use email, but make sure you keep the reply so that you can prove it was sent to the right address.

It is important that you can prove your landlord was aware of the problem, in case you need to take the problem further. Also make sure your landlord has your up to date contact number.

### **What if I don't know who the landlord is?**

You can report the problem to the landlord's agent, if there is one. If your landlord is a housing association, you can report a problem to your housing officer or estate manager. You have a legal right to know the landlord's name and address. If you do not know it, look on your rent demand or statement, or other letters about your tenancy, or ask the agent or person who collects your rent. If you are in receipt of housing benefit, the benefits department at the Council will know the details of your landlord as per the tenancy agreement.

### **Do I have to let the landlord come in?**

You must allow the landlord or her/his agent access to see what repairs are needed and to carry out the work. The landlord should give you reasonable notice (usually at least 24 hours), except in an emergency. Although your landlord should arrange the repairs, you may have to let in the contractor without your landlord being present so you should make sure you are aware which contractor is attending to do the works. Any contractor working on gas appliances must have identification with their Gas Safe registration number. You have the right to ask to see identification of contractors undertaking work on your property. However, some contractors such as general builders may not have any identification. If you are not sure who should be undertaking the work, check with your landlord first.

### **Withholding Rent**

We do not advise you to withhold your rent without seeking proper legal advice. By withholding rent you will be in breach of your tenancy agreement and could give your landlord more reason to evict you by being in rent arrears.

### **Mould growth**

A high number of complaints are received by Environmental Health regarding mould growth in properties. The most common cause of mould growth in properties is condensation. Lifestyle can be a major contributory factor to condensation so you do need to make sure that you are adequately heating and ventilating your property. Kitchens and bathrooms frequently suffer from mould growth due to the high levels of humidity in these rooms. If you have got mechanical ventilation units fitted you must make sure that you use these and if there are air bricks in the walls you should not block or obstruct these in anyway. The use of unvented tumble driers & drying clothes on radiators also increases the risk of mould growth occurring. Unless there is a structural defect which is resulting in dampness then your landlord cannot be held responsible for mould growth occurring in your property. You should always clean down mould to prevent it from spreading further. Condensation on windows and surfaces should also be wiped down to prevent mould from occurring in the first place.

## **What repairs are my landlords responsibility?**

A residential premises should provide a safe and healthy environment for any potential occupier or visitors. A dwelling must be free from unnecessary and avoidable hazards which could present a risk to physical and mental health and / or injury. The property should be free from serious disrepair and when considering such risks the whole property is inspected, which includes any paths, yards, gardens and outbuildings within the cartilage of the property.

Generally, the landlord (or owner) is responsible for the provision, state and proper working order of the following:

- (a) the exterior and structural elements of the dwelling; and
- (b) the installations within and associated with the dwelling for:
  - i the supply and use of water, gas and electricity;
  - ii personal hygiene, sanitation and drainage;
  - iii food safety;
  - iv ventilation;
  - v space heating; and
  - vi heating water.

The landlord (or owner), however, is not responsible for the state of any fixtures or fittings provided by the occupier unless they have been adopted by the landlord (or owner) and are not removable. Adoption by the landlord (or owner) can occur on the change of tenancy where fixtures or fittings provided by the previous occupier remain at the commencement of the new tenancy.

### **Provision, State and Proper Working Order**

The term “provision, state and proper working order” includes:

- (a) the provision of the materials and the proper construction of the element;
- (b) the provision of the facilities and equipment and their proper installation and connection;
- (c) the maintenance of the elements and installation, in a proper state of repair and in proper working order; and
- (d) where necessary, the replacement of obsolete, defective or ineffective elements or installations.

### **Exterior and Structural Elements**

The words “exterior and structural elements of the dwelling” are not limited to the loadbearing elements, but include all those elements which give a dwelling its essential appearance, stability and shape, and those which provide protection from the climate. It includes, for example, means of access, amenity space, foundations, walls (including internal plasterwork), roof, windows, doors, and ceilings. While it includes protective finishes (including paintwork to timber), it does not normally include the internal surface decoration such as wallpaper and emulsion paint.

### **Water, Gas and Electricity**

The term “installations within or associated with the dwelling for the supply and use of water” includes the necessary pipework, tanks, cisterns, and taps. The similar term “...for the supply and use of ... gas” includes the necessary pipework, valves and taps; and the same term “... for the supply and use of ... electricity” includes the necessary wiring, sockets, switches and fuses or other safety devices.

These terms are not intended to include any removable equipment or appliances which use gas or electricity as a source of power, such as refrigerators, washing machines, audio and visual equipment, portable heaters and light bulbs, unless these are provided by the landlord.

### Gas safety check

Your landlord must ensure that all gas pipework, appliances and flues provided for tenants are maintained in a safe condition. A landlord's gas safety check must be undertaken annually which must be undertaken by a Gas Safe Registered Engineer. The engineer should have an identification card confirming that they are registered with Gas Safe. Your landlord must give you a copy of the gas safety record within 28 days of the check being undertaken, or before you move into the property. You must allow access for the engineer to inspect the gas appliances and carry out any repairs.

### **Personal Hygiene, Sanitation and Drainage**

The term "installations within or associated with the dwelling for personal hygiene" includes the necessary wash hand basins, showers and/or baths. Such facilities should be properly installed and fitted, including being sealed to adjacent surfaces, provided with splash-backs and with appropriate supplies of hot and cold water. It also includes the rooms or compartments where these facilities are installed.

The similar term "... for ... sanitation and drainage" includes WC basins, drains, waste pipes, rainwater goods, inlet gulleys and inspection chambers.

### **Food Safety**

The term "installations within or associated with the dwelling for food safety" includes sinks, draining boards, work tops, cooking facilities (or cooker points and space for cooking facilities), cupboards and/or shelves for cooking and eating utensils and equipment, and food storage facilities (including socket outlets and space for a refrigerator).

The sinks, draining boards, and work tops should be properly installed and fitted, including being sealed to adjacent surfaces, and provided with splash-backs. The sinks should also be provided with appropriate supplies of hot and cold water.

### **Ventilation**

The term "installations within or associated with the dwelling for ventilation" include air bricks, trickle vents, opening lights to windows, passive stack ventilation systems and mechanical ventilation equipment.

### **Space and Water Heating**

The term "installations within or associated with the dwelling for space heating" includes any form of fitted space heating appliance(s) or central heating system, such as open fireplaces, fixed solid fuel stoves, gas boilers, storage heaters, warm air heating systems and radiators. It does not include moveable heaters provided by the occupier.

The similar term "... for heating water" includes any form of fitted water heating system whether instantaneous or storage. It does not include kettles or similar devices.