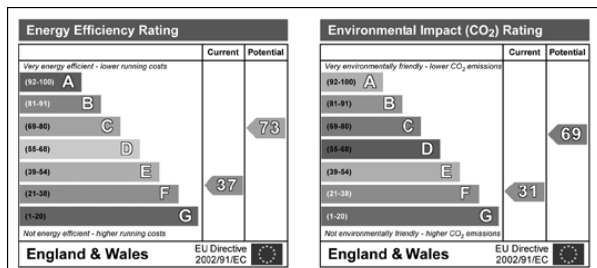


# Landlords' responsibilities

## Energy Performance Certificates

The Energy Performance Certificate (EPC) must be available for new lettings. This rates the energy performance of a building. The idea is similar to the well established energy labels seen on white goods such as fridges and washing machines when offered for sale.

The certificate will contain an energy efficiency rating and an environmental impact rating as well as information on how to improve the energy performance of the building. These cost around £100, although market forces will determine the actual price and it will also vary depending on factors such as the size of the building and time taken.



## Repairs and maintenance

### Landlord and Tenant Act 1985 (as amended)

Section 11 of the Landlord and Tenant Act 1985 (which replaced S.32 of the Housing Act 1961) is a statutory implied term that the landlord shall keep in repair:

- the structure and exterior of the dwelling
- the installations for the supply of water, gas, electricity and sanitation
- the installations for the supply of space heating and water heating
- the communal areas and installations associated with the dwelling (S.11 as amended by S.116 of the Housing Act 1988).

The Act also provides that the standard of repair necessary will vary depending on the age, character, and prospective life of the property and its location, so that a landlord need not maintain a run-down property in an inner city area to the same high standards expected in an expensive central London apartment.

## **Breach of repair obligations**

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The landlord will not be liable for works or repairs caused by the tenant's breach of obligations under the tenancy.

Action can be taken by the tenant in the county court for breaches of the landlord's repairing obligation. This is a civil action, and tenants can claim compensation for damage and inconvenience resulting from the breach.

The landlord should receive notice of this in advance.

## **Defective Premises Act 1972**

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It is not implied that the landlord is liable for dangerous defects; however, Section 4 of the Defective Premises Act 1972 places a duty of care on the landlord in relation to any person who might be affected by a defect, 'to take such care as is reasonable in all the circumstances to see that they are reasonably safe from personal injury and from damage to their property caused by a relevant defect'.

## **Local authority repair powers**

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Local authorities have statutory duties and powers to take enforcement action to deal with properties containing hazards identified under the Housing Health and Safety Ratings System (HHSRS). Under the HHSRS which is set out in Part 1 of the Housing Act 2004, local authorities have a duty to take appropriate enforcement action in relation to Category 1 hazards and discretion to act in relation to Category 2 hazards in residential properties. (See our separate leaflet).

## **Gas safety**

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A landlord must:

- have gas appliances checked for safety by a 'Gas Safe' registered gas installer within 12 months of their installation and then ensure further checks at least once every twelve months after that
- ensure a gas safety check has been carried out on pipe work, each appliance and flue every 12 months, except where the appliance was installed less than 12 months before. The 'Gas Safe' registered installer must take immediate action if an appliance fails a safety check

- give a copy of the safety check record to any new tenant before they move in, or to an existing tenant(s) within 28 days of the check in
- keep a record of the safety check made on each appliance for two years
- ensure that gas appliances, fittings, and flues are maintained in a safe condition.

## Electrical safety

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A landlord should have a clear understanding of the responsibilities in relation to electrical installations and appliances and the duties and responsibilities placed on a landlord by the following regulations:

- Landlord and Tenant Act 1985.
- Consumer Protection Act 1987.
- Electrical Equipment (Safety) Regulations 1994.
- Building Regulations 2000.
- The Management of Houses in Multiple Occupation (England) Regulations 2006.
- The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.

This legislation places obligations on landlords to ensure that the fixed installation and all electrical appliances supplied by the landlord are safe.

## Fire safety

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The Regulatory Reform (Fire Safety) Order 2005 (FSO) rationalises existing fire safety legislation in relation to commercial premises into one piece of legislation. The new order also covers domestic properties where there are common parts shared between different dwellings; for example, common hallways and stairwells of blocks of self-contained flats.

The FSO places duties on the person having control of the property (the landlord) to have fire precautions in place, to make sure the property is safe and to carry out fire risk assessments. Where the property is licensed the fire risk assessment needs to be recorded in writing

## Contact details

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Contact Wiltshire Council Customer Services on **0300 456 0100** and ask for Private Sector Housing.