Damp & Disrepair issues and how to deal with them

How this guide helps

This guide provides you with information on what your rights as a tenant are regarding repairs in the house. It also gives you practical tips on how to address the disrepair problems with your landlord.

Understand your rights to repairs

To understand your legal rights as a tenant regarding disrepair, you need to know what kind of agreement you have with your landlord. Do you have an Assured Shorthold Tenancy or are you a lodger (with a Licence)? If you are not sure, use the helpful Tenancy Checker tool here.

Under the Assured Shorthold Tenancy your landlord has a legal responsibility to:

• Ensure all gas appliances are serviced and checked every 12 months by a Gas Safe registered engineer (you have the right to see a copy of the gas service record).
• Ensure national standards safety standards are met for electrical installations and that appliances are checked by someone suitably qualified every 5 years.
• Maintain the structure and exterior of the house, including roofs, guttering, windows, drains and garden walls
• Repairs to common areas including entrance halls and stairways
• Repair appliances included as part of the rental agreement
• Repair sinks, WC, hot water, electrical installations and appliances and central heating and gas appliances

You will find a good summary of the landlord’s repair responsibilities in the following video by Shelter →

Note: If you have a Licence (i.e.: you live with your landlord), your landlord is still responsible for making sure your home is in a proper condition.

What are my responsibilities for repairs?

Although the landlord must address the issues listed above, you are responsible for behaving in a ‘tenant like manner’. What this means is that you need to keep the home reasonably clean, carry out minor maintenance like changing batteries in smoke detectors, or changing a light bulb. You usually also need to keep the garden and outside areas (including around the bins), in an acceptable state.
How do I know if my property is safe?

You may find the following guide on ‘How to Rent a Safe Home’ useful in assessing your property. It gives you tips on what to look out for and what the acceptable standards are.

How to report disrepair to the landlord?

Whilst your landlord must by law address disrepair in your property, they can only do that once you have notified them of the issues.

The best way to report the problems is to write a letter. It is important that you report any repairs needed as soon as possible, as the owner cannot be held responsible if they are unaware of the problem. Always report disrepair in writing, as a record of your report may be needed in the future if repairs are not carried out.

A letter should include the following basics:

- The date of the letter
- The details of the landlord
- Your name and the address of the property
- A brief description of the disrepair and any relevant photos you have
- A reasonable timescale for the completion of the work (emergency repairs should be addressed in 24 hours; non-emergency can take few weeks to be addressed)
- A contact for you, so that the landlord/agency can arrange access to complete the repairs.

An example template letter for reporting disrepair can be found here.

Note: You should keep any relevant records of your contact with landlord, including any photos you have taken, phone calls, emails or letters you exchanged.

What timescales are reasonable for repairs?

It depends on variety of factors. For urgent problems (for instance broken toilet, broken boiler or no water), it is reasonable to expect the landlord to address it within 24 hours. Please

What are landlord’s rights to access property for repairs?

You should allow the landlord to access the property to carry out the necessary repairs. They should always give your 24 hours’ notice (if you have an Assured Shorthold tenancy agreement), but may also have access without that notice in case of emergency (e.g. gas leak)).

Covid-19 & access – during the Covid-19 pandemic there are some restrictions for the landlord to gain repairs access if there is someone in the property who is self-isolating. You can read more about these rules in UK
government guidance here. Usually, landlord should postpone or reschedule appointments for non-emergency repairs.

What to do if the landlord does not respond to requests for repairs?

You can seek help from the Southampton City Council’s Contact Environmental Health for serious disrepair, or if you struggle to get your landlord to help and your property disrepair is causing you serious problems. You will find more details about the process and an online reporting tool here. The Council will respond to your report within 5 working days and will advise you of what steps they can take. In some cases, they may arrange an inspection to assess the issues. They will write to the landlord to advise them on what steps they must take to address the problems.

Can I ask for compensation for disrepair?

You can ask the landlord for a reduction in rent if the property was in poor condition, particularly if you suffered monetary loss or your belongings were destroyed because of the disrepair. If the landlord refuses, you may need to consider legal action. It is always good to start with a factual letter and requesting compensation from the landlord in writing, before starting legal action. For more information see this useful Shelter guide here.

How to deal with damp and condensation?

Responsibility for damp can be a complex issue. For example, damp resulting from structural issues require action on the part of your landlord/letting agent. Condensation on the other hand may be a normal process occurring in the house where warm moist air meets cooler air, or a cold surface.

Often the steps for preventing condensation are simple:

- Close the bathroom door, open a window, and use an extractor fan
- Cover boiling pans, open a window, and use an extractor fan when cooking
- Dry clothes outside or in a room with an open window. Avoid drying clothes on radiators
- Keep your heating on a low temperature for a few hours a day
- Move bulky items away from walls to improve air circulation

If you have been following the above tips and the situation does not improve, you should write to the landlord reporting the issues (see section How to report disrepair to the landlord? above).

Further guidance
For further help on housing disrepair, contact The Advice Centre. Tel · 02380 592 085 E · advice@susu.org.

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