



Repair issues in your rental home

Who is responsible for repairs in a rented property and what you can do to get repairs resolved.

**citizens
advice**

Plymouth

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Understanding Disrepair

What is disrepair?

Disrepair means that your house, flat or bungalow is damaged or that something in the house needs to be fixed. This can include problems such as leaks, no electricity, damp and mould, broken heating or damaged doors and windows.

What you're responsible for

As a tenant you are responsible for looking after your home, which means:

- doing minor repairs yourself, such as changing fuses and light bulbs
- keeping your home reasonably clean
- not causing any damage to the property and making sure your visitors don't cause any damage
- using any fixtures and fittings properly, for example, not blocking a toilet by flushing something unsuitable down it



You also have a responsibility to report disrepair to your landlord and provide access to have any repair work done. If you have a tenancy agreement, this might state additional repairs that you are responsible for.

You should still tell your landlord about repairs you are responsible for, as they may agree to do the work themselves and then recharge the cost to you, or they might want you to fix it yourself.

What your landlord is responsible for

If you rent your property, your landlord is responsible for most major repairs in your home, and they aren't allowed to pass on the cost of any of this work to you. They are responsible for the following repairs:

- the structure of the property, for example walls, roof, windows and doors
- sinks, baths, toilets
- pipes and wiring
- heating and hot water, for example the boiler
- the safety of gas and electrical appliances



Make sure you tell your landlord about any repairs that are needed. Your landlord is usually only responsible for fixing problems once they have been told about them. Your tenancy agreement might say that your landlord is responsible for additional repairs.

Some landlords may have additional responsibilities - such as those renting to people in social housing or shared housing, known as houses of multiple occupancy (HMOs).

Social housing landlords

If you rent from the council or a housing association your landlord also has to meet certain standards for safety and quality – this is called the 'Decent Homes Standard'. Your home must:

- meet the current statutory minimum standard for housing
- be in a reasonable state of repair
- have reasonably modern facilities and services
- provide a reasonable degree of thermal comfort (not too hot or cold)

If these standards aren't met, you can complain. They usually have a portal or contact form where you can report any disrepair issues.

Houses in multiple occupation (HMOs)

A HMO is a type of shared housing where at least 3 people living in a property make up more than one household, and share basic amenities such as a kitchen or bathroom. If you live in a HMO your landlord has extra legal responsibilities for things like:

- fire and general safety
- water supply and drainage
- gas and electricity
- waste disposal
- the general upkeep of your home



If your home isn't safe to live in

A landlord is responsible for ensuring a property is 'fit for human habitation', which means that it's safe, healthy and free from things that could cause serious harm. This applies if you rent privately, or from the council or a housing association.

Your home might be unfit for human habitation if, for example:

- it has a serious problem with damp or mould
- it gets much too hot or cold
- there are too many people living in it
- it's infested with pests like rats or cockroaches
- it doesn't have a safe water supply

Awaab's Law



If you rent from a **social landlord (council or housing association)**, you have additional protections due to Awaab's law.

This law covers '**emergency hazards**' as well as '**significant hazards related to damp and mould**'. Social landlords must investigate and resolve these hazards within a fixed time frame, or offer suitable alternative accommodation free of charge if they are unable to do this in time.

Common Repair Problems

Leaks or flooding

Your landlord is usually responsible for repairing structural damage caused by a leak from a neighbouring flat. because walls, ceilings and plasterwork are their responsibility. They are unlikely to be responsible for repairs if you caused the flooding yourself.



If your home is affected by flooding, your landlord has to fix damage to the structure of your home and make sure water, gas, electricity, sanitation and heating are working. They are legally responsible for protecting you and your belongings during this time.

If your belongings are damaged due to a leak from a neighbouring property or flood, there are options for resolving this:

- If you share the same landlord as your neighbour, the landlord may be responsible if the leak was caused by them not completing repairs.
- If your neighbour is responsible for the leak, they will be responsible, and you should speak to them and agree a solution. You could take legal action against your neighbour if you can't agree.
- If you have household contents insurance you might be able to make a claim.
- If you don't have contents insurance, you could get support from your local council's welfare assistance scheme to replace essentials.



If you can get safely from room to room while repairs are being done, you won't need to move out but you could get a temporary rent reduction if you can't use all of your rooms.

You must tell your landlord if your home is so badly damaged by flooding that you have to move out. If you live in a council or housing association home, you should be offered somewhere else to live. If you rent privately, your landlord doesn't have to find you somewhere else to live, unless this is stated in your tenancy agreement.



Your landlord might have an insurance policy that could cover the cost of temporary accommodation. If they don't you will need to discuss rent payments whilst you are not able to live in your home.

If your landlord won't cover the cost of accommodation or suspend your rent payments whilst you are moved out, you could go to court to ask them to reduce the rent or award you compensation. (See Page 13 for more information)

Infestations and pests

Pests are unwanted animals or bugs in your home such as rats, mice, fleas or ants. An infestation is when the number of pests reaches an unmanageable amount.

Your landlord will usually be responsible for dealing with an infestation if:

- Your tenancy agreement says they're responsible
- The infestation was caused by your landlord not making repairs to the home
- The infestation means your home isn't safe for you to live in - for example if it's making you or your family ill

It doesn't matter if the infestation was there when you first moved in or only appeared later.



You might be responsible for dealing with the infestation if it was caused by something that you did or failed to do. For example, if you didn't throw away rubbish properly and it attracted rats, then you have to deal with them.

The local council has legal powers to deal with some infestations in your home. They also have duties and powers to take action to deal with certain hazards, or they may be able to force your landlord to deal with the problem. Your local council's pest control or Environmental Health team can give you help and advice on dealing with these problems.

Damp or mould

Damp, mould and condensation are common issues in rented properties. Damp can be caused by several factors, such as leaks or condensation. If left untreated, it can harm your health. The longer these problems are left unaddressed, the more serious they get. If you notice damp or mould in your home, report it to your landlord or letting agent.

There are a couple of steps you can take to reduce damp and mould.

Tips for reducing damp

- open windows and use extractor fans
- always use an outside vent if you have a tumble dryer
- do not block vents
- ensure the property is heated properly
- keep furniture away from walls to allow air to circulate
- avoid drying wet clothes on radiators unless there is suitable ventilation (e.g. an open window)

Your landlord has a duty to deal with damp if it is caused by disrepair or poses a risk to health and safety. If the damp is your landlord's responsibility you should ask them to deal with it. Remember if you live in a council or housing association property your landlord's responsibility for dealing with damp is covered by Awaab's Law (see Page 5).

How damp issues are dealt with depends on what type of damp it is:

Type of Damp	Description	When your Landlord is responsible
Penetrating Damp	When rainwater moves from the outside of a building through the walls, roof, or windows.	If it is caused by a repair issue such as a leaking roof, blocked guttering or a cracked wall.
Rising Damp	When moisture travels up from the ground through the masonry to the height of about one metre.	If they haven't taken measures to prevent rising damp, such as fitting a damp proof course (DPC).
Construction Damp	When there is a problem with the property's design that leads to damp.	If the design problem causes damage to the building.
Condensation Damp	When a property can't deal with normal levels of water vapour because of a lack of insulation, ventilation or heating, or a combination of these things.	If the condensation is due to them not making certain repairs.

Getting Repairs Done

Steps to take to get repairs done

Step

1

Ask your landlord to fix the repair. You should write to your landlord and keep a copy of what you've sent. Do it as soon as you notice a problem, as you could be held responsible if it gets worse. If a letting agent manages the property for your landlord, you should write to them and they will contact your landlord about the repairs.

Step

2

Get evidence of the problem. This could be photos of the damage, conversations between you and your landlord, receipts for anything you've paid for or a letter from your GP if the problem has made you ill. Keep a copy of any evidence you send.

Step

3

Your landlord should arrange to do the repairs in a 'reasonable' amount of time. Unless it's an emergency, your landlord should give you at least 24 hours' written notice if they want to visit your home for repairs.



Remember that if you are a social housing tenant and the repair falls under Awaab's law, your landlord has to fix the issue within the stated time frames:

- if you report an emergency hazard – 24 hours
- if you report a significant hazard due to damp or mould – 10 working days to investigate and 5 working days to fix the issue after the investigation

If your landlord won't do the repairs

You can consider making a formal complaint to your landlord if they:

- haven't dealt with a repair problem
- are slow to do the work
- have carried out an inspection but have done little or nothing since
- have done the repair work but it's of poor quality



You should still carry on paying your rent as if you fall into arrears your landlord could try to evict you.

If you're a private tenant

You should write a formal complaint to your landlord, explaining what the problem is and what you want them to do to solve it. Tell them what rights you have and what you think they should have done. Make sure you include any evidence you have gathered.



If the problem is affecting your health or safety then you can report your landlord to the Environmental Health department at your local council. An Environmental Health Officer will look at your home and order your landlord to do repairs if they think it's harmful to your health or safety. Keep evidence of what they say or any report they write.



If your home is found to be unsafe to live in, you might need to find a new place to live. If you become homeless you can contact your local council for help.

If your home is safe to live in, your landlord can't evict you just because you complained. They can only evict you for specific reasons - for example if you have rent arrears or they decide to sell the property.



Your council should get back to you quickly if the problem is severe or if someone in your home is very young, elderly, ill or disabled. If the council doesn't take any action or doesn't act quickly enough, you could ask them to look at their decision again. If you're still not happy with your council's decision, you can complain using the council's complaints procedure.

If you're a social housing tenant



Every social housing landlord must have a clear and accessible complaints policy. You should be able to find your landlord's complaints policy on their website. It's best to make your complaint in writing - keep a copy of your complaint and your landlord's response.

When you make a complaint, your landlord should send you confirmation that they've received your complaint within 5 working days. They then have 10 working days to provide a written response to your complaint.

If you're unhappy with your landlord's response, you can ask them for a 'stage 2 consideration'. This means a different person will look at your complaint.

If you ask for a stage 2 consideration, your landlord should send you:

- confirmation that they've received your request - they must do this within 5 working days of when they get it
- a final written response to your complaint - they must do this within 20 working days of when they send the confirmation



You should get advice if your landlord isn't following this process. If you rent your home from the council, as well as complaining to your landlord, you can also raise the problem with a local councillor. You can contact a local councillor through your local council or by attending the councillor's advice surgery.

If Your Landlord Still Won't Take Action

The Housing Ombudsman

You can ask the Housing Ombudsman to look at your complaint if you're unhappy with your landlord's final response or they haven't responded to your complaint within the time they're supposed to.

The Ombudsman can work with you and your landlord to help you reach an agreement. If this happens, they'll set out what you agree in writing and check all the agreed actions have been completed. If you can't reach an agreement, the Ombudsman can investigate what's happened. They'll decide if your landlord has acted fairly and if their actions were reasonable.

Taking action through the court

If you've reported repairs to your landlord and they've failed to fix them, you can consider taking them to court.

The court expects that you will have tried to resolve the situation with your landlord through some form of alternative dispute resolution (ADR). This can be mediation, going to the ombudsman or making a formal complaint.

Taking court action is expensive so you should get advice to make sure it's the right option for you. If you win, the court might make your landlord:

- do the repairs
- pay you compensation, for example if your health, belongings, or enjoyment of your home have been affected
- pay some or all of your legal costs



QUIET PLEASE
COURT IN SESSION

Further Support

Citizens Advice Plymouth

If you need help to understand your rights and responsibilities around repairs or you want support to take action, you can contact us at Citizens Advice Plymouth for advice:

Call on **0808 278 7910**

Monday - Thursday, 9.30am - 4.30pm

Friday 9.30am - 4pm

Visit our Information Centre at

Cobourg House, Mayflower Street, PL1 1QX

Monday - Thursday, 9.30am – 4.30pm

Friday, 9.30am – 3pm

PEC (Plymouth Energy Community)

PEC's energy team provide free energy advice which includes support to deal with damp and mould in your home.

Call on **01752 477 117**

or email **energyteam@plymouthenergycommunity.com**

Shelter

If you need further advice around dealing with an issue with your landlord, Shelter are a specialist housing advice charity, with lots of advice available on their website.

Webchat at **england.shelter.org.uk/get_help/webchat**

Monday - Friday, 8am - 6pm

In person drop-in at

Ernest English House, Buckwell Street, PL1 2DA

Mondays, 10am - 1pm

The Housing Ombudsman

If you need to raise your complaint with the housing Ombudsman you can complete an online form on their website or utilise the live chat in the corner of the webpage:

<https://www.housing-ombudsman.org.uk/contact-us/>

Alternatively you can call: **0300 111 3000**

Monday, Tuesday, Wednesday, Friday 9am to 5pm

Thursday 9am to 3.30pm

You can also write to them at:

Housing Ombudsman Service

PO Box 1484

Unit D

Preston

PR2 0ET

Plymouth City Council

Plymouth City Council provides a template letter to help you report repair issues to your landlord.

If the issues is not resolved, you can report it to the council on the page below for further investigation.

<https://www.plymouth.gov.uk/housing-disrepair-and-improvements>

or call **01752 668000** and ask to speak to Environmental Health

Monday - Friday, 9am - 5pm

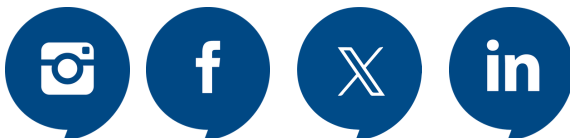
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We provide free, confidential and independent advice to help people overcome their problems. We are a voice for our clients and consumers on the issues that matter to them.

We value diversity, champion equality, and challenge discrimination and harassment.

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