

Our ref:
Your ref:
Date:



Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Dear

Disrepair & Preventing Retaliatory Evictions

If you rent your home it should be warm, safe and in good repair. If you have concerns about your home these can be investigated by Newcastle-under-Lyme Borough Council.

In order to protect your rights against retaliatory eviction the first step in the process is for you to write to the landlord requesting the repairs to be carried out. A standard letter produced by Shelter (The housing and Homelessness charity) is enclosed for you to use. Please include all items on the letter that you are concerned about. Please keep a copy of the letter you send and a note of the date you sent it. If you send it from a post office you can request free proof of postage.

As a tenant you do have the right to know the name and contact address of your landlord, if you only have a telephone number for them, call them and ask. If you have an agent, ask the agent for the details.

If the landlord does not respond to your complaint within 14 days or you feel the response does not address the problem you can contact the Council, using the details on the next page, for this to be investigated further.

Housing officers will make an appointment to inspect your home, we will write to the landlord to advise them of the visit as a further opportunity for them to resolve matters.

Depending on the outcome of the inspection the Council may serve a formal enforcement notice requiring the landlord to carry out works within a set timescale or may take informal action.

If a formal enforcement notice is served by the Council your landlord cannot respond by serving a notice on you asking you to leave the property, if you have followed the process above.

The landlord can however still serve a notice asking you to leave if you are in rent arrears. If your landlord has served a notice on you or you would like advice on your rights as a tenant please contact Newcastle Housing Advice on 0345 850 9698, call into their office at 61-63 Lower Street, Newcastle under Lyme or visit their website www.nhaoptions.co.uk.



Working to be a co-operative council

Contacting the Council:

Switchboard 01782 717717 - Fax 01782 711032 - DX 20959 - Text 07800 140048
Email webmaster@newcastle-staffs.gov.uk - www.newcastle-staffs.gov.uk

Further information can also be found on our website www.newcastle-staffs.gov.uk/all-services/housing.

Yours sincerely

Housing Services
Newcastle under Lyme Borough Council
01782 742543
E-mail: housing@newcastle-staffs.gov.uk
Website: www.newcastle-staffs.gov.uk/all-services/housing

Shelter's website
http://england.shelter.org.uk/get_advice

Shelter Guidance on Revenge eviction if you ask for repairs

New rules might help protect you from eviction if you complain to a private landlord about repairs or bad conditions.

Key advice

- Your landlord is responsible for carrying out most repairs in your home
- You could risk losing your tenancy deposit if you don't report repair problems
- It's risky to withhold your rent if your landlord hasn't done repairs – you can be evicted if you have rent arrears

Risk of revenge eviction

Revenge eviction is when a landlord tries to evict you after you ask for repairs or complain about conditions in your home. It's also called retaliatory eviction. This might affect you if you're a private tenant with an [assured shorthold tenancy](#). That's because it's relatively easy to evict tenants with this type of contract.

A change in the law could make it harder for some landlords to do this. The change affects assured shorthold tenancies that started or were renewed on or after 1 October 2015.

If you're a private tenant with a less common [assured tenancy](#) or [regulated tenancy](#), you already have more protection from revenge eviction. You can't be evicted unless your landlord proves to a court that you are at fault, for example because you didn't pay the rent.

Assured shorthold tenancies starting before 1 Oct 2015

If your tenancy started before 1 October 2015, there's no special protection that prevents your landlord evicting you if you complain about repairs. Rules that could protect you from retaliatory eviction won't apply unless you start a new tenancy or sign a renewal contract from 1 October 2015. Otherwise, you'll have to wait until 1 October 2018 to benefit from the new rules.

Your landlord can use the [section 21 eviction process](#) to evict you when any fixed period ends, for example after 6 or 12 months. Your landlord needs to get a court order, but won't have to prove you're at fault in any way. Section 21 notices can be invalid if a landlord doesn't follow certain [rules about tenancy deposits](#), so it's worth checking if you can defend the case.

Your landlord might be able evict you during a fixed term tenancy if you break certain terms and conditions.

Assured shorthold tenancies starting from 1 Oct 2015

New rules could help if you complain about repairs or conditions in your home and your landlord responds by giving you a section 21 notice. The rules apply if your new assured shorthold tenancy started on or after 1 October 2015 or you signed a renewal contract on or after that date.

Section 21 served after you complain to your landlord

The new rules mean a court can refuse to order your eviction if all these apply:

- you complained to your landlord or letting agent in writing (by letter or email)
- your landlord [issued a section 21 notice](#) after you complained

- you [complained to the local council](#) because your landlord didn't take steps to fix the problem
- the council sent your landlord a notice telling them to make improvements or that the council will carry out emergency work

The new rules may also apply if you first complained about the repairs to the council because you didn't have a [postal or email address for your landlord](#).

Once the council serves your landlord with an improvement notice or notice requiring remedial action, the section 21 notice becomes invalid. If the improvement notice is served before the court hearing, your landlord's case will fail and the court won't order you to leave.

If the council doesn't serve your landlord with an improvement notice before the court hearing, the court can make an order for you to leave. The court can't overturn an order to evict you if the council's notice comes later.

Section 21 served after the council sends your landlord a notice

If the council send your landlord an improvement notice or notice requiring improvement and your landlord later gives you a section 21 notice, it won't be valid if it's served within 6 months. A section 21 notice served after 6 months have passed will be valid.

When the new rules won't help

The new rules won't help if you:

- complain verbally or your landlord serves a section 21 notice before you complained to them in writing
- complain to the council but it takes no action or serves your landlord with a 'hazard notice'

The new rules won't help if your landlord can prove to the court that:

- you caused the problem you're complaining about
- they've genuinely put the property up for sale – sales to friends, family or business partners might not count
- the property has been repossessed by the landlord's lender and the property must be vacant so it can be sold (detailed rules apply)

A section 21 notice is valid if your landlord gives it to you after the council serves your landlord an improvement notice but suspends enforcement action. The council may decide not to enforce the notice if there aren't any young children or anyone over the age of 60 in your home.

The new rules don't help you if your landlord uses the section 8 court procedure for [eviction if you haven't paid the rent](#).

If your landlord has served a notice on you or you would like advice on your rights as a tenant please contact Newcastle Housing Advice on 0345 850 9698, call into their office at 61-63 Lower Street, Newcastle under Lyme or visit their website www.nhaoptions.co.uk.

For further information and advice, you can also visit the Shelter website at <http://england.shelter.org.uk/home>

Template letter from tenant to landlord

[Add your address]

[Add the date]

[Add landlord's address]

Dear [Add landlord's name]

Re: Request for repairs at [add your address]

I am a tenant at the above address and I am writing to inform you of repair work that needs to be carried out at the property. The repair work needed is:

[List repairs]

I am concerned that the disrepair may cause more damage to the property if it is not fixed immediately.

[If the problem is affecting your health or that of your family you can add:

I am also worried that the problem may have an adverse effect on my health [and the health of my family].

[Add details of how it may affect your health]

Please contact me within the next 14 days to make arrangements for the repair work to be carried out.

I look forward to hearing from you soon.

Yours sincerely

[Add your name]

Contact telephone number: [Add your phone number]