

The Stuff Your Landlord Doesn't Want You to Know

Solidarity Federation

April 2012

Contents

Some key housing rights	3
Housing status	3
Implied terms	3
Tenancy Deposit Scheme	3
Landlord Harassment	3
The Eviction Process	4
Going into dispute	4
Direct Action	5
Standing up for ourselves	5
Direct Action and Solidarity	5
What next?	5
Who Are We and Why Do We Care?	5
Direct Action Advice	6
Advice on your legal rights	6

Some key housing rights

Housing status

There are many types of housing status, your rights as a tenant often depend on what your housing status is. “Regulated tenants” have very strong rights whereas “excluded occupiers” (such as lodgers) have few rights. Most renters now are “assured shorthold tenants”, and have some rights and protection. Before taking action against your landlord on something like repairs you should check your security of tenure and read your contract.

Implied terms

No matter what your tenancy is or what your contract says, your landlord has obligations which are given by law and are implied into all tenancy agreements. Some of the most important implied terms are:

- your landlord must carry out basic **repairs** (damage is called disrepair).
- your landlord must keep the **installations** for the supply of water, gas, electricity, sanitation, space heating and heating water in good working order
- you have the right to live peacefully in the accommodation without nuisance from your landlord (Your landlord is required to give you **24 hrs’ notice** in advance of any visit, with the possible exception of emergencies.)
- in most cases, your landlord must not discriminate against you. There may be some exceptions, for example, if you live in the same accommodation as your landlord.

Tenancy Deposit Scheme

Your landlord needs to pay your deposit into a Government approved deposit protection scheme, and return it to you at the end of your tenancy – unless there’s a dispute about your tenancy.

Your landlord must give you details of the scheme they are using to protect it. It is also important that you and your landlord agree, in writing, what condition the place is in when you start renting it, including a list of the furniture and fittings (known as an inventory).

You should get your deposit back within ten days if you and your landlord agree about how much you should get back. If, for whatever reason, your landlord withholds all or part of your deposit, then s/ he needs to provide an itemised invoice of all of the costs deducted from it, including receipts for any repair or cleaning work.

Landlord Harassment

Harassment by a landlord is an offence and can take a number of different forms, for example:

- removing or restricting access to services such as gas, electricity or water, or failing to pay the bills so that these services are cut off

- visiting your home regularly without warning, especially late at night
- interfering with your post
- threatening you
- sending builders round without notice
- entering your home when you are not there, without your permission
- allowing your home to get into such a bad state of repair that it's dangerous for you to stay
- beginning disruptive repair works and not finishing them
- harassing you because of your gender, race or sexuality

The Eviction Process

If you're a private tenant, your landlord needs "grounds" (a reason) if they want to evict you before the end of a fixed-term contract. Councils and housing associations also need grounds to evict most types of tenants. This could be due to something like 8 weeks rent arrears or breaking a term of your tenancy agreement.

To be evicted your landlord first has to give you a written notice that complies with particular legal requirements depending on your tenancy. You don't have to leave at this point.

The next step for your landlord is to get a court order (saying when you should leave the property or pay rent), you can put your case across in writing and by going to the court hearing.

If your landlord or anyone else tries to evict a residential occupier without following the correct procedure (written notice > possession order > court bailiffs) this is an Illegal eviction and is a criminal offence.

Going into dispute

Any dispute with your landlord needs to be carefully considered. Here's some things you can do to help you through:

- **Read** your tenancy agreement to find out your contract rights and responsibilities.
- **Research** your housing rights from Tenants' Handbooks, specialized housing websites and legal advice centres. (see back of leaflet)
- **Record** and copy any and all correspondence (and photographic evidence) sent to your landlord to create a "paper trail"...

There are a number of groups that exist to resolve or arbitrate issues between tenants and landlords. Shelter and CAB will give you good advice about your rights but if you need to teach your landlord a short, sharp lesson in their responsibilities you might want to contact Solidarity Federation to discuss taking Direct Action.

Direct Action

This could mean:

- Delivering a demand letter to the landlord's home or work address.
- Publicly 'outing' the landlord to their neighbours.
- Bombarding their telephone or email inbox.
- Occupying your local housing office.

These are just examples, anything that gives you leverage over your landlord works; challenging their reputation or hitting them in the pocket is advisable.

All of these actions are best taken in conjunction with your family and friends, or – even better – other tenants!

Standing up for ourselves

It can be useful to know the law because many landlords don't follow basic legal requirements. But we also need to remember that the law is not going to be on our side most of the time. We shouldn't rely on it to make sure we're treated fairly.

Direct Action and Solidarity

If you've rented, you've probably discussed with other tenants how best to deal with a landlord or how to survive in a renting market that seems stacked against us. Perhaps you've even gone with one of your fellow tenants to speak to your landlord about a problem in your building. These conversations and actions form the basis of solidarity.

What next?

Fighting a legal battle can be costly, take a lot of time and require specialized skills. Direct action doesn't. Anyone can take direct action and win. Instead of relying on courts and lawyers, direct action means that we win through organising ourselves and confronting landlords collectively. It could be something straightforward, like going down as a group to demand your landlord complete unfinished repairs. Or it could mean creating a tenants' union and organising a rent strike. Defending our rights is just the beginning. Once we achieve this, we can start to take the initiative.

Who Are We and Why Do We Care?

The Solidarity Federation is an organisation that encourages workers' self-organisation and collective action. Besides organising in our own workplaces and communities, we are happy to support anyone facing problems with their boss or their landlord. So if you're looking to get organised, get in touch!

We can be reached at
solfed@solfed.org.uk or by our website
www.solfed.org.uk

Direct Action Advice

Solidarity Federation • www.solfed.org.uk
London Coalition Against Poverty • www.lcap.org.uk
Advisory Service for Squatters • www.squatter.org.uk

Advice on your legal rights

Shelter UK • www.shelter.org.uk
CAB • www.citizensadvice.org.uk

The Anarchist Library
Anti-Copyright



Solidarity Federation
The Stuff Your Landlord Doesn't Want You to Know
April 2012

Retrieved on 2020-05-02 from iwa-ait.org

theanarchistlibrary.org