

Dealing with rent problems

if you rent privately

How can I get my deposit back?

Can I be evicted?

Am I allowed to move out?

A stylized graphic of a house with a dark blue roof and pink walls, set against a light pink background. The house is partially obscured by a white curved shape at the bottom of the page.

0845 345 4 345

www.communitylegaladvice.org.uk

See page 10 for useful phone numbers and website addresses

A free and confidential advice service paid for by Legal Aid

community
legal advice

The Community Legal Service

This guide has been produced by the Community Legal Service (CLS), an organisation that has been set up by the government to help you find the right legal information and solve your problems.

The CLS:

- provides leaflets with advice on a range of problems, and
- can help you find people and organisations that can help you with your legal problems.

To find out more about how the CLS can help, call us or visit our website.

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*Community
Legal Service*



If you rent your house or flat, someone else owns it but it is your home, and you have the right to be treated fairly by your landlord. There are laws that say how your landlord must treat you as a tenant. If your landlord tries to deny you your rights, or bully or intimidate you, you can get free advice and support.

This leaflet looks at some common questions and concerns that private tenants have. If you rent your house or flat from the council or housing association, the rules may be different – please see the online leaflet titled ‘Renting and Letting’ at www.communitylegaladvice.org.uk for your rights in this situation.

To find out where to get more information and advice, see the section ‘Where can I get help and advice?’ on page 10.

What if I can't afford the deposit?

Before you move in, you'll probably have to pay a deposit on a house or flat, normally equal to a month's rent. Getting this money together can be hard, but if you can't, you may be able to use a deposit scheme.

There are two basic types of deposit scheme:

- some provide a guarantee that your landlord will be paid any money you owe when you leave the flat. If the scheme has to pay the landlord, say for damage you've caused, then you will have to pay the money back to the scheme.
- some are loan schemes run by councils, housing associations or charities.

To find out about deposit schemes in your area, ask your local council, or contact **Shelter**.

Can my landlord throw me out?

A landlord can hardly ever evict you (throw you out of your home) without warning. If they want you to leave, they must follow a set procedure, which includes giving you written notice telling you when you must go (the notice period). Even if you do not leave by this time, the landlord must normally still go through a procedure called 'possession proceedings' before they can evict you.

The exact procedure your landlord must follow, including how much notice they must give you, depends on the type of tenancy you have. It also depends on why the landlord wants you to leave. For example, the procedure is different if they want you to leave because you haven't paid your rent rather than if they want to move back into the house or flat themselves.

In most cases, your landlord needs an order from the court before they can evict you. If they evict you without following the right legal procedure, they could be breaking the law.

If your landlord threatens to make you leave, or if you receive a notice to leave and you do not want to, get advice straight away. The sooner you seek advice, the easier it will be to help you. The two places to start are either **Community Legal Advice** or **Shelter**.

What if I have difficulty paying my rent?

If you're having difficulty paying your rent, don't just ignore the problem and let the debt mount up. If you stop paying rent, you could be evicted.

Try and talk to your landlord and ask them to accept a smaller amount until you can pay everything you owe. Your landlord may not be happy with accepting less rent, but if they refuse they may find it harder to evict you.

If you're on a low income, you could claim Housing Benefit, which helps with your rent. To find out whether you might be able to receive this, and how to apply, contact your local **housing advice centre** or **citizens advice bureau**. If you already receive Housing Benefit, an advice centre will be able to check that you are getting the right amount. You'll find the number and address of your nearest citizens advice bureau in the phone book. You can find out about other advice centres near you from **Shelter**.

If you owe money to lots of people, get advice about how to deal with your debts. Contact **Community Legal Advice**. See page 10 for the details.

When can my landlord come into my home?

In most cases, landlords can't just come into your home when they want – they should let you know they want to visit, and arrange a time that suits you. Your tenancy agreement may say how much notice they should give you.

If your landlord comes into your home without your permission, tell them to stop. If they don't stop, it could be considered harassment, which is against the law. If this happens to you, speak to **Shelter** or your local **citizens advice bureau** about what steps you can take. For example, depending on the type of tenancy agreement you have, you might be able to change the locks.

If you share some of the building with your landlord, you have different rights than if you have the flat or house to yourself. If you're having problems with your landlord, get advice from Shelter or your local citizens advice bureau.

'My home is damp and my things have been damaged – what can I do?'

Your landlord is normally responsible for repairing problems with your home (unless you caused them). You should tell your landlord about things that need fixing as soon as possible – it's a good idea to write them a letter and keep a copy so you have proof that you have asked them.

Damp can be tricky, though, because it may be due to a problem with the building that can't easily be fixed, or perhaps there's not enough ventilation. If the damp can be fixed, you might be able to get the landlord to pay to replace or repair your damaged belongings, but this will depend on the circumstances.

If your landlord won't fix the problem, you could take several possible steps. These include getting a court order or getting the repairs done yourself and taking the cost out of your rent. But the best action to take depends on the circumstances, and also the type of tenancy agreement you have. Don't take any of these steps before getting advice, because you might make matters worse.

What if my landlord won't give my deposit back?

If you have taken out or renewed your tenancy on or after 6 April 2007, getting your deposit back should be fairly easy. Under a new law, landlords must place deposits with an independent government-authorised tenancy deposit scheme. If your landlord wants to keep your deposit, contact the scheme. It will consider your and your landlord's arguments, and decide whether or how much you should get back.

The new law applies to deposits taken since 6 April 2007 for the most common type of private tenancy (known as an 'assured shorthold tenancy'). Your landlord must give you the name and contact details of the scheme they've placed your deposit with.

If you paid your deposit before this date, the situation may be more difficult. If your landlord won't give your deposit back, first try to negotiate with them. Write to them asking how much they are keeping and exactly what it is for. If they reply, check whether what they are saying is correct and fair.

If negotiating doesn't help, you can take court action using the small claims procedure (if the amount is less than £5,000). To do this won't cost you much, and you don't need a solicitor. You may not even have to go to court: sometimes the threat of court action is enough to make people pay up.

For guidance on how to use the small claims procedure, see the website of the **Courts Service** or speak to your local **citizens advice bureau**.

How can I leave a shared house or flat?

This depends on your tenancy agreement. If the agreement is only in the names of the other people in the house, there's nothing to stop you leaving (though you should give them notice).

However, if your name is on the tenancy agreement with your housemates' names, you and your housemates will all still be legally responsible for the rent for as long as the tenancy agreement lasts. So you should give the landlord notice to end the tenancy. But you should let your housemates negotiate a new tenancy agreement with the landlord first. Otherwise, giving notice will normally end the tenancy agreement for everyone (unless it's a 'fixed-term' agreement).

'My neighbours are so noisy I can't sleep – what can I do?'

If noisy neighbours keep disturbing you, and talking to them about the problem has not worked, you should contact the environmental health officer at your local council. They can serve an 'abatement' notice to make the neighbours stop the noise. In some cases, if they don't stop, the council can take away equipment (such as a stereo system). Otherwise, you could go to the county court to get an injunction to stop the noise.

For more about dealing with problems with neighbours, see the Community Legal Advice leaflet 'Neighbourhood and Community Disputes'.

Where can I get help and advice?

Community Legal Advice

We can give you contact details of solicitors in your area who deal with children and social care.

We can also give help and advice on other problems: if you have a low income, including if you receive benefits, and qualify for legal aid, you can call us for independent advice about debt, education, benefits and tax credits, employment and housing problems

If you do not qualify for legal aid, or if you have another type of problem, we can put you in touch with other organisations, helplines or local advice centres services that can help. We direct you to other legal information resources.

How to contact us

You can speak to our advisers in several ways:

- Call us on **0845 345 4 345** from 9am to 6:30pm Monday to Friday. Calls cost no more than 4p per minute from a BT landline. Calls from mobiles are usually more. Worried about the cost? Ask an advisor to call you back.
- Request a callback through our website, www.communitylegaladvice.org.uk
- Text 'legalaid' and your name to **80010** and we'll call you back within 24 hours.

Help on the internet

If you have internet, our website www.communitylegaladvice.org.uk has lots of help, including:

- our online directory of advisers, organised by areas of law
- more information about legal aid and who can get it
- online factsheets and leaflets that you can download, on lots of topics, and
- links to specialist organisations, charities and support groups in your area.

Shelter

Shelter, the housing charity, can help with most kinds of housing problem. It offers advice and help through:

- a free helpline on **0808 800 4444** or visit www.shelter.org.uk;
- a network of local Housing Aid Centres. In England, visit www.shelter.org.uk, or phone **020 7505 4699**. In Wales visit www.sheltercymru.org.uk or phone **01792 469 400**

Her Majesty's Courts Service

The website of HM Courts Service has useful information, including leaflets you can download, on how to use the small claims court, which you may need to consider if your landlord won't give back your deposit. See www.hmcourts-service.gov.uk

Can I get legal aid?

If you need help with the costs of legal advice, you can apply for legal aid. Whether you will get it will depend on:

- the type of legal problem you have
- your disposable (spare) income and how much disposable capital (money, property, belongings) you have, and
- whether there is a reasonable chance of winning your case and whether it is worth the time and money needed to win.

There is an online calculator on our website, at www.communitylegaladvice.org.uk/en/legalaid/calculator where you can see whether you could be financially eligible for legal aid.

What if I think I am eligible?

If you think you could be eligible for legal aid, you should speak to a legal adviser who can deal with legal aid cases. You can search our directory to find an adviser in your area, at the 'Find a legal adviser' section of our website

www.communitylegaladvice.org.uk, or call our helpline 0845 345 4 345.

Help for other problems

This leaflet is one of a series of free leaflets produced by Community Legal Advice giving easy-to-read advice on a range of problem areas. The leaflets in this series are:

- C1 Dealing with rent problems
- C2 Domestic abuse
- C3 Fair treatment at work: your rights if you are disabled
- C4 Your rights at work
- C5 Dealing with debt
- C6 Losing your home
- C7 Claiming benefits
- C8 Problems with school
- C9 Mental health laws
- C10 Community care
- C11 Divorce and separation
- C12 Living together
- C13 Medical accidents
- C14 Dealing with the police
- C15 Care proceedings
- C16 Claiming asylum (available August 09)
- C17 Removal and deportation (available August 09)
- C18 Dealing with a will (available August 09)

You can order any of these leaflets free by:

- phoning **0845 3000 343**
- fax **0845 5438 258**, or
- emailing orderleaflets@communitylegaladvice.org.uk.

All of these leaflets are also available in Welsh, Braille and Audio.

The Legal Services Commission manages the Community Legal Service and Community Legal Service Fund (legal aid). To find out more about us, visit www.legalservices.gov.uk

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