



Private Landlord Registration - Landlord Guide

Repairing Standard

What is the repairing standard?

A house meets the repairing standard if:-

- a) it is wind and watertight and in all other respects reasonably fit for human habitation,
- b) the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,
- c) the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order,
- d) any fixtures, fittings and appliances provided by the landlord under the tenancy are in a good state of repair and in proper working order,
- e) any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed,
- f) the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire, and
- g) the house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

The repairing standard duty includes a duty to make good any damage caused by carrying out works whilst complying with the duty.

What is a landlord required to do?

A landlord in the private rented sector has a duty to ensure that the house they rent out meets the “repairing standard”. If a tenant or third party (for the time being a Local Authority) believes that a rented house does not meet that standard, an application can be made to the **Housing and Property Chamber** for a decision by a tribunal on whether or not the landlord has complied with that duty. The tribunal can then order the landlord to carry out the necessary repairs. Various enforcement powers apply if the landlord then does not do so.

What type of tenancy does the repairing standard apply to?

The Housing (Scotland) Act 2006 (the 2006 Act) sets out the tenancies to which the repairing standard applies. It applies to most tenancies in the private rented sector (including tied houses) but there are some exceptions. Also, an application cannot be submitted to the **Housing and Property Chamber** if there is an occupancy arrangement as opposed to a tenancy as such arrangements are not covered by the standard.

Are there any other exclusions/exemptions from the Repairing Standard?

Yes, there are exemptions if:-

- the work needing done does not come within the terms of the repairing standard;
- the tenancy was originally for a period of three years or more, and cannot be terminated during that period, and the tenant is responsible by the terms of the tenancy agreement for carrying out all repairs;
- the repair work needing done results from damage caused by the tenant;
- the house has to be rebuilt or reinstated in the event of destruction or damage by fire or by storm, flood or other inevitable accident;
- the work relates to the repair or maintenance of anything that the tenant is entitled to remove from the house;
- the tenant and landlord have obtained the consent of the Sheriff to the house being let even if it does not meet the repairing standard.

Full Guidance can be found at www.housingandpropertychamber.scot/repairs/repairs-application-and-guidance

Should you require any further information or guidance please contact
Fife Councils Landlord Registration Team by telephone on 01592 583397

Or email landlords.registration@fife.gov.uk

Fife Councils Houses of Multiple Occupancy Team by telephone on 01592 583162

Or email HMO.licensing@fife.gov.uk