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Protected and Statutory Tenancies

A Guide for Private Landlords and Tenants in Northern Ireland

September 2023

This booklet does not provide an authoritative interpretation of the law; only the courts can do that. Nor does it cover legal rights or responsibilities, you should seek information from an advice centre or consult a solicitor.

Who should read this booklet

You should read this booklet if you are the landlord or tenant of a tenancy which began before 1 April 2007 where the property was built before 1956. Prior to 1 April 2007, protected and statutory tenancies were also known as 'regulated' or 'restricted' tenancies and many were registered with the Northern Ireland Housing Executive. However, even if the tenancy was not registered, it may be a protected or statutory tenancy.

FOR EASE OF REFERENCE, THE TERM 'PROTECTED TENANCY' IS USED TO DESCRIBE BOTH PROTECTED AND STATUTORY TENANTS THROUGHOUT THIS BOOKLET. The difference between these terms is described on page 3.

This booklet does not deal with lettings by the Northern Ireland Housing Executive or registered housing associations and does not apply to licences.

For further information on matters relevant to all private tenancies, including those which commenced after 1 April 2007, please see the Department for Communities (DfC) booklet 'Private Tenancies – A Guide for Private Landlords and Tenants in Northern Ireland'.

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1. Background

The Private Tenancies (NI) Order 2006 introduced new legislation for the private rented sector. AS A RESULT, FROM 1 APRIL 2007 NO NEW TENANCY OF ANY DWELLING CAN BE A PROTECTED OR STATUTORY TENANCY. However, existing tenants retain their protection for as long as the tenant or his/her successor remains in occupation of the dwelling.

To find out if a property is let under a protected or statutory tenancy it is necessary to determine certain historical facts relating to the property. Further information is provided in Chapter 2.

This booklet explains the main points of the law relating to protected and statutory tenancies applicable from 1 April 2007. It is intended as a guide for both landlords and tenants but it should not be taken as an authoritative interpretation of the law – only the courts can provide this.

If you are in any doubt about your legal rights or obligations, you should seek assistance from a solicitor, an estate agent with expertise in this area of private rented housing, or the Housing Rights Service.

Further information can also be obtained from the sources listed in Appendix F.

2. What is a Protected Tenancy

Protected and statutory tenancies have their rents controlled by Government. The tenant usually has the right to remain in the tenancy for life and in many cases the tenancy can be inherited by a member of the tenant's family after they die.

What is the difference between a protected and statutory tenancy?

A protected tenancy is one where the original contract of tenancy is still in operation – in most cases this means the present tenant is the person who was granted the tenancy.

A statutory tenancy is created under two sets of circumstances: either the original contract of tenancy has ended (possibly because it was for a fixed period of time) or the original tenant has died, with the tenancy transferring to the tenant's 'successor', who is often the tenant's widow or widower. In these cases, the law gives either the tenant or the successor the right to continue in the tenancy. In practice, there is little or no difference between the rights that apply to the two types of tenancy, with the important exception of succession rights (see page 6).

IN THIS BOOKLET, THE TERM 'PROTECTED TENANCY' IS USED TO DESCRIBE BOTH PROTECTED AND STATUTORY TENANTS.

How can I find out if the tenancy is protected?

Many protected tenancies are registered. To check if this is the case, contact the Rent Officer for Northern Ireland (for contact details see Appendix F). If it is not registered, you will need some information on the letting history of the property and the rateable value (NAV) of the property both in October 1978 and in 2006-7.

The net annual value (NAV) of a property is the figure on which the rates were calculated prior to the introduction of the present system which uses capital values. The NAV will have remained the same from 1978 unless substantial improvements or alterations were made. The 2006-7 NAV can be found on the Rates Demand for that year or on the Land and Property Services website – <https://www.nidirect.gov.uk/articles/valuation-domestic-properties-rates>

A tenancy is likely to be protected if:

a. the tenancy began before 1 April 2007

- no new protected tenancies can be created after this date (although a family member can succeed to a tenancy, see page 6)

b. the property was built or converted before 1956

– the most common type of conversion is when a house is converted into flats which provide separate and self-contained accommodation (but a bathroom or kitchen extension would NOT be regarded as a conversion), and

c. the property was first let before 1978

– even though the tenant may have changed many times since then or it may have been owner-occupied or vacant for a period

d. a tenancy (either a previous or the present tenancy) existed in October 1978 when the Rent (Northern Ireland) Order 1978 came into operation.

There are certain exceptions to the general rules set out above, for example:

- **if the NAV is over £140 and the landlord has obtained vacant possession since October 1978**
- **if the property was owned by the Crown, a Government Department or the Housing Executive in October 1978**
- **if in October 1978 the tenancy was ‘tied’, that is as part of someone’s job, for example a resident caretaker’s flat**
- **if the property was let with a large amount of land before 1978.**

These exceptions are not intended to provide a comprehensive list. Further information on the law applying to protected tenancies prior to 1 April 2007 is provided at Appendix A.

The onus is on the landlord to provide information to demonstrate that the property is NOT let under a protected tenancy. In the absence of substantive proof, the tenancy will be assumed to be a protected tenancy.

What rent can be charged?

A protected tenancy can never be let at an open market rent. It is always subject to rent control. The amount of rent that can be charged depends on two questions:

1. Is it currently registered with the Rent Officer for Northern Ireland?

If so, the rent is determined by the Rent Officer for Northern Ireland. The rent register can be viewed online at <https://www.nidirect.gov.uk/articles/rent-register>.

2. Was it registered with the Northern Ireland Housing Executive prior to 1 April 2007?

If so, the maximum rent chargeable is the rent which was registered before 1 April 2007. If it was not registered before this date, the maximum rent which can be charged is the lawful maximum payable before 1978, normally £1 per week.

Further details on rent control and fitness are given in the next two chapters.

If a tenant has paid too much rent, he/she is entitled to recoup the overpaid amount. Advice should be sought from an advice centre or solicitor. A tenant is advised not to withhold payment of rent without first seeking advice.

What right to remain in the tenancy does a protected tenant have?

Protected tenants have considerable security of tenure and a landlord can only obtain possession in certain circumstances. These are set out in Appendix C. In order for the landlord to obtain possession, he/she must first obtain a court order.

Can a protected tenant 'pass on' their tenancy to a family member?

If a protected tenant dies, a person who was a member of the tenant's family and living with him/her for a period of 6 months immediately before his/her death can succeed to the tenancy. Until 1 April 2007, the Rent Order also allowed the tenancy to pass for a second time on the same basis. This no longer applies and after 1 April 2007 only one succession will be possible. However, any tenant who has already succeeded to the tenancy as a 'second successor' prior to 1 April 2007 will retain his/her tenancy.

If a family member succeeds to a protected tenancy, the terms of the tenancy remain the same, including the amount of rent which can be charged.

3. Rent Control

As stated in Chapter 2, a protected tenancy can never be let at an open market rent and is always subject to rent control.

If the rent officer has not determined a rent since 1 April 2007, the maximum rent that can be charged is:

- **the amount registered with the Housing Executive prior to 1 April 2007, or**
- **£1 per week, if the tenancy was not registered prior to 1 April 2007.**

Rent Determination

The rent officer will decide the maximum rent that can be charged for the tenancy. The rent determined will be based in particular on:

- the terms of the tenancy agreement, including any tenant repairing obligations
- the general condition of the property, including its fitness status
- the rent which the Housing Executive would charge for a similar dwelling
- the amount of the Local Reference Rent determined by the Housing Executive for similar properties in the locality.

The rent officer will also take into account:

- any disrepair which is the responsibility of the tenant

- any improvements carried out by the tenant.

Fitness Inspections

From 1 April 2007, under the Private Tenancies Order, the landlord of a protected tenancy can apply to the district council to carry out an inspection in order to determine if the dwelling meets the fitness standard. This will affect the amount of rent which can be charged. Details of the fitness standard are provided at Appendix B. The council is entitled to charge a fee of £50 for this initial inspection. Some tenancies are exempt from this requirement (see below).

Tenancies deemed to meet the fitness standard

The following properties are 'deemed fit' and are assumed to meet the fitness standard:

- a dwelling built after 1945
- a dwelling in respect of which a Renovation Grant was paid by the Housing Executive, but only for ten years from the date of payment
- a dwelling in respect of which an HMO grant was paid by the Housing Executive, but only for ten years from the date of payment
- a dwelling which is currently registered as an HMO with the Housing Executive

- a dwelling in respect of which a regulated rent certificate was issued by the district council, but only for ten years from the date of issue.

If a certificate of fitness is issued

If the property meets the fitness standard, the council will issue a certificate of fitness. A copy will also be sent to the Rent Officer for Northern Ireland who will determine an appropriate rent, taking into account the fitness of the dwelling.

This rent will be the maximum that can be charged unless there is a change of circumstances (see below).

If a notice of refusal is issued

If the council is not satisfied that the dwelling meets the fitness standard it will issue the landlord and tenant with a notice of refusal. This notice will state the reasons for refusal, and will indicate the works that in the opinion of the council will be necessary for the dwelling to meet the fitness standard. A copy of the notice of refusal will be sent to the Rent Officer for Northern Ireland who will determine an appropriate rent, taking into account the unfitness of the dwelling. This rent will be the maximum that can be charged until the dwelling is brought up to the fitness standard.

Once the necessary work to make the property fit has been completed, the landlord must make a second application to the council for a certificate of fitness. A second fee of £100 can be charged by the council. If a certificate of fitness is issued, a copy will be sent to the Rent Officer for Northern Ireland. The landlord or tenant can then apply for the rent to be re-determined (see change of circumstances applications, below).

Tenant's subsequent application for a fitness inspection

Once a certificate of fitness has been issued, the tenant can apply for a re-inspection at any time if they have grounds for believing that the property no longer meets the fitness standard. If a notice of refusal is issued as a result, this will be sent to the Rent Officer for Northern Ireland. The landlord or tenant can then apply for the rent to be re-determined (see change of circumstances applications, below).

Change of circumstances applications

A landlord or tenant can apply for a re-determination of the rent where there has been such a change in the circumstances of the tenancy that the present rent is no longer appropriate. This could be because:

- the fitness status of the tenancy has changed (see above)
- the condition of the property has deteriorated significantly

- the landlord has carried out improvements, such as installing central heating
- the landlord has failed to comply with a notice of unfitness or notice of disrepair within the time specified in the notice.

The rent officer will determine an appropriate rent based on the effect of any changes on the present registered rent. The rent determined as a result can be referred to a rent assessment committee, see below, if requested by landlord or tenant.

Appealing to a rent assessment committee

The rent officer will write to the landlord and tenant stating the amount of the rent that has been determined for the tenancy.

An appeal against this decision can be made to an independent rent assessment committee within 14 days of this decision. No appeal outside this 14-day limit is possible. Further information on appealing the rent is provided in section 9.

Rent reviews

Registered rents do not increase automatically on an annual basis. However, the Department and the rent officer may conduct a review of registered rents from time to time with a view to determining whether such rents should be increased. Such a review may apply to all controlled rents or to some classes of controlled rents.

If a protected tenancy ends

If the landlord obtains vacant possession of any property, any new tenancy will not be a protected tenancy. **It makes no difference if the new tenancy is furnished or unfurnished.** 'Vacant possession' means that the former tenancy has ended and there is no longer anyone living in the property.

However if the property does not have a certificate of fitness and is not exempt from the requirement to have a fitness inspection carried out, the rent register will retain the property details to ensure that, if re-let, the property remains subject to rent control until such times as it is made fit and a certificate of fitness is issued by the district council.

Once the landlord obtains vacant possession of a fit property that is listed in the rent register, he should immediately notify the rent officer who, if satisfied that the property is no longer subject to rent control, will remove the entry from the register.

4. Rent Register

The rent register, which is maintained by the Rent Officer for Northern Ireland, is the record of the maximum lawful rents that can be charged for registered tenancies which are subject to rent control. However, it cannot be assumed that a tenancy is not rent controlled because it is not registered.

Rent control applies to any private tenancy where a notice of refusal has been issued by a district council. Rent control also applies to ALL protected tenancies.

Depending on the condition of the property, the rent determined by the rent officer may be considered by the landlord or tenant to be too high or too low. For this reason the landlord or tenant may apply to have the rent which has been set by the rent officer considered by a rent assessment committee. An application must be received within 14 days of the rent officer's notification. If no application is received, the rent determined by the rent officer will take effect.

Further details on rent assessment committees and the procedure involved in applying for a consideration are given in Chapter 6.

5. Rent Officer of Northern Ireland

The Rent Officer for Northern Ireland is responsible for administering the rent control system introduced by the Private Tenancies Order which is effective from 1 April 2007. As part of this process, the rent officer is also entitled to decide on the status of tenancies. In other words, the rent officer is authorised by law to decide whether or not a tenancy is subject to rent control, or whether or not a property is let under a protected tenancy.

The Rent Officer for Northern Ireland is independent of all government departments and agencies and is also independent of the rent assessment panel, from which rent assessment committees are drawn.

The rent officer can be contacted as follows:

By email: info.rentofficer@communities-ni.gov.uk

By post: Rent Officer for
Northern Ireland
3rd Floor
Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG

6. Rent Assessment Committees

The landlord or tenant of a protected tenancy may request that the rent that has been determined by the rent officer be considered by an independent rent assessment committee. This request must be made within 14 days of the rent officer determining a rent.

Landlords and tenants of protected tenancies can also apply to have a further rent determination made by the rent officer where there has been a change of circumstances, (see Chapter 3). Once the rent officer has made a rent determination, any application to have a rent assessed by a rent assessment committee must be made within 14 days of the rent officer notifying the landlord and tenant of the decision.

Rent assessment committee procedures

A landlord or tenant wishing to have the rent officer's decision considered by a rent assessment committee must apply in the first instance to the rent officer. The application will then be passed from the rent officer to a rent assessment committee.

Both landlord and tenant will be written to, asking if either wishes to have an opportunity to present their case in writing or at a hearing. If a hearing is not requested, the rent will normally be assessed following an inspection of the property. Full details of the procedures involved will be provided to both parties when an application is made.

An appropriate rent will be arrived at by using the same criteria that have been used by the rent officer (see Chapter 3 above).

7. Tenancy Agreements

Both the Rent Order and the Private Tenancies Order clearly state that a landlord or tenant cannot override the law which applies to private tenancies, even if the tenancy agreement states otherwise. If a tenancy falls within the terms of the Rent Order, the provisions of the Order will apply regardless of anything agreed between landlord and tenant.

The Rent Officer for Northern Ireland is entitled under the Private Tenancies Order to decide if a tenancy is subject to rent control. This includes deciding if a tenancy is a protected or statutory tenancy.

If landlord or tenant disagrees with this decision, the aggrieved party can make an application to the county court which has jurisdiction to make a final decision on the matter.

8. Basic Rights and Obligations

All private tenants have a range of basic entitlements that also apply to protected and statutory tenants. These are the entitlement to:

- a tenancy information notice
- claim housing benefit
- written notice to quit (see table below)
- due process of law
- freedom from harassment and illegal eviction.

The right to claim housing benefit

Once a tenancy has been created, the tenant cannot be prevented from claiming housing benefit. Landlords must inform tenants of this right in the rent book.

The right to Notice to Quit

The only legal way to end a private tenancy is by serving the tenant with a written notice to quit giving the required notice (see table below). Court proceedings cannot commence until the end of this period.

Length of Tenancy	Notice to Quit
Less than 12 months	No less than 4 weeks written notice
More than 12 months, but not more than 10 years	No less than 8 weeks written notice
More than 10 years	No less than 12 weeks written notice

Further information on security of tenure is given in Chapter 2 of this booklet.

The right to due process of law

A landlord must go to court to obtain an order for possession if, after the tenancy has been terminated, the tenant refuses to move out. This order can only be enforced through the Enforcements of Judgments Office.

The right to freedom from harassment and illegal eviction

It is a serious offence to harass or illegally evict any tenant. Those found guilty of such an offence could be liable to a fine of up to £5,000 and/or imprisonment. The tenant may also have a civil remedy which he/she can enforce such as taking a court action for damages by way of compensation.

The tenant may also apply to the court for an injunction ordering the landlord to allow the tenant to return to the property.

Prosecution of offences

District councils have the power to prosecute any offence committed under the Private Tenancies Order. This includes a landlord's failure to provide a tenancy information notice, a variation of tenancy information notice, a receipt for cash payments made in relation to the tenancy or if a deposit of more than one month's rent is taken.

Complaints should be made to the district council who have the authority to investigate and prosecute where necessary.

Appendix A: Protected and Statutory Tenancies: The Law Before 1 April 2007

Before the introduction of the Private Tenancies Order on 1 April 2007, protected and statutory tenancies were divided into three categories:

- restricted
- regulated
- protected shorthold.

A restricted tenancy was usually in a small property, possibly in a poor state of repair, for which the tenant could only be charged the 1978 rent (usually less than £1.00 per week – excluding rates). The rent could not be increased unless the property was brought up to the fitness standard and the landlord obtained a regulated rent certificate from the district council. Even if the property was let furnished to a new tenant, it remained a restricted tenancy.

A regulated tenancy was usually in a property of a better standard than that of a restricted tenancy. The rent payable was limited to the amount registered with the Housing Executive. It was not compulsory to register a rent, although if it was not registered the maximum amount of rent that could be charged remained at the 1978 level of less than £1.00 per week. Unless the

NAV was over £140, the property remained a regulated tenancy even if let to a new tenant, unless it was let fully furnished.

A protected shorthold tenancy was either a restricted or regulated tenancy but without the same security of tenure. The tenancy was fixed for a term of between one and five years but a rent had to be registered with the Department and a Shorthold Notice in the form required by law had to be given to the tenant before the tenancy commenced. At the end of the agreed period, the landlord is entitled to obtain vacant possession of the property. The tenant has no right to remain beyond the end of the fixed term if the landlord takes the necessary steps to regain possession, although the tenancy remains a protected shorthold if the term of the tenancy is extended beyond the initial fixed term by agreement between landlord and tenant.

An existing protected or statutory tenancy could not lawfully be converted into a protected shorthold tenancy.

A protected or statutory tenancy does not end until the tenant and his/her household have moved out of the property permanently. Only then does rent control end PROVIDED the property meets the fitness standard.

Appendix B: Fitness Standard

The statutory fitness standard is provided in the Housing (NI) Order 1981, as amended by the Housing (NI) Order 1992. In order to meet the standard a dwelling must:

1. be structurally stable
2. be free from serious disrepair
3. be free from dampness prejudicial to the health of the occupants (if any)
4. have adequate provision for lighting, heating and ventilation
5. have an adequate piped supply of wholesome water
6. have satisfactory facilities in the house for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water
7. have a suitably located water-closet for the exclusive use of the occupants (if any)
8. have a suitably located fixed bath or shower and wash-hand basin, for the exclusive use of the occupants, each of which is provided with a satisfactory supply of hot and cold water, and
9. have an effective system for the draining of foul, waste and surface water.

Any reference to a house being unfit for human habitation means that the dwelling concerned has failed to meet this standard.

Prior to 2007, this standard was also used as the regulated tenancy standard. A regulated rent certificate was issued by the district council if the above criteria were satisfied.

Appendix C: Grounds for Possession of Protected Statutory Tenancies

Under the Rent Order, a private tenant need not leave his home unless a court grants an order for possession against him/her. It is a criminal offence for anyone to compel a private tenant to leave his home without a court order or to try to drive him out by intimidation or harassment by withholding services such as water, gas or electricity or by any other sort of interference.

In the case of a protected or statutory tenancy, the court can only grant an order for possession if it thinks it would be reasonable to do so and either alternative accommodation is available to the tenant, or the reason for possession being sought is listed in the Rent Order as a 'discretionary' ground. In the case of 'mandatory' grounds for possession, the court must not take into account the lack of alternative accommodation for the tenant.

DISCRETIONARY

This means that the court does not have to grant an order but may do so if it thinks it reasonable.

The court must think it is reasonable in the circumstances of the case to grant a possession order on any of the following grounds:

Case 1 is that the tenant has not paid the rent, or has broken some other term of the tenancy.

Case 2 is that the tenant has caused a nuisance or annoyance to neighbours or has been convicted of using the premises for immoral or illegal purposes.

Case 3 is that the property has deteriorated by the act or neglect of the tenant or any person residing in the house.

Case 4 is that the tenant has damaged the furniture.

Case 5 is that the landlord has arranged to sell or let the property because the tenant gave notice that he/she was giving up the tenancy.

Case 6 is that the tenant has assigned or sublet the whole of the property without the landlord's consent.

Case 7 is that the tenant was an employee of the landlord and the landlord requires the property for a new employee.

Case 8 is that the landlord needs the property for himself or certain members of his family to live in and that greater hardship would

not be caused by granting the order than by refusing to grant it – but this does not apply if the landlord bought the property after the commencement of the Rent Order.

Case 9 is that the tenant has charged a sub-tenant more than the Rent Order permits.

Case 10 is where the landlord wishes to sell agricultural land and the property is the sole or principal dwelling-house thereon.

MANDATORY

If one of the following cases can be shown to apply, the court has no discretion and must grant the landlord a possession order:

Case 11 is that the landlord let his home with the stated intention of returning to live there again.

Case 12 is that the landlord let accommodation to which he intends to retire.

Case 13 is that the accommodation was intended for and is required for occupation by a clergyman.

Cases 14 to 16 apply where a court must order possession in situations associated with lettings to people involved in agriculture.

Case 17 is that the property was let on a shorthold tenancy and the shorthold term has ended.

Case 18 is that the landlord was a member of the regular armed forces at the time the letting was made and gave notice he might wish to recover possession under this case.

In Cases 11, 12, 17 and 18 the court may grant the landlord possession even if he has not fulfilled certain parts of the conditions, provided it thinks it just and equitable to do so. In the other mandatory cases, the court cannot grant possession unless all the rules have been met.

Possession can only be granted in a discretionary case if the court thinks that reasonable and suitable accommodation is or will be made available for the tenant.

What is suitable alternative accommodation? The requirement for suitable accommodation is satisfied by:

- a. a the provision of a certificate from the Housing Executive or a Registered Housing Association confirming that they will be providing accommodation by a specified date
- b. b the offer of accommodation which gives the tenant equal or equivalent security of tenure and is reasonably suitable to the tenant and his household in relation to size, location and cost.

Appendix D: Repairing obligations of Landlords and Tenants

The responsibility for repairs under protected tenancies is determined by the tenancy agreement. In the absence of any written agreement, the provisions set out below apply.

If either landlord or tenant has difficulty in getting repairs done, either party may seek the help of their district council. After inspection by an environmental health officer, a public health notice, a notice of unfitness or a notice of disrepair may be served on the landlord. Failure to comply with such a certificate could result in a court appearance and a court order being issued requiring that the repairs be carried out. Where the required repairs are the responsibility of the tenant, the landlord may be able to take legal action against the tenant in order to recoup the costs of the work.

A. Regulated tenancies

Division of responsibility

Unless there is anything to the contrary in the tenancy agreement, the responsibilities for repair are as follows:

Landlord's duties

- a. the repair of the structure and exterior of the dwelling, including drains, gutters, pipes and exterior paintwork
- b. the repair of the interior, apart from those matters which come under the tenant's responsibilities
- c. the repair and maintenance of installations for the supply of water, gas, electricity and sanitation (including basins, sinks, baths and toilets)
- d. the repair and maintenance of installations in the house for space or water heating
- e. appliances for making use of the water, gas or electricity which the landlord has provided under the terms of the tenancy
- f. any fixtures, fittings or furnishings which the landlord has provided under the terms of the tenancy
- g. the lighting, safety and repair of any area which the tenant is entitled to use for access to his dwelling where the tenancy comprises part of a building

The landlord is not required to repair or maintain anything which is a tenant responsibility (see below). He does not have to repair anything which the tenant is entitled to remove from the property, nor does he have to rebuild or reinstate the dwelling

if it is damaged or destroyed by fire, tempest, flood or other “inevitable accident”.

The onus is on the tenant to inform the landlord of the need for repairs unless the tenant knows the landlord has been informed by another means, for example by the district council.

Tenant’s duties:

- a. the general care of the premises
- b. the making good of any damage caused wilfully or negligently by himself, a sub-tenant or anyone else lawfully living in or visiting the premises
- c. maintaining the interior decoration of the dwelling
- d. to ensure that all proposed alterations have the landlord’s consent (this must not be unreasonably withheld)

The tenant must not carry out any alterations without the landlord’s permission, although such permission must not be unreasonably withheld.

B. Restricted tenancies

Restricted tenants have few repairing rights, although they can seek help from their district council to have repairs carried out under any of the following:

- Public Health Notice (basic, essential repairs to prevent injury or damage to health, such as wind and weather proofing)
- Notice of Unfitness (work required to bring a property up to the fitness standard)
- Notice of Disrepair (work to a fit property which is in serious disrepair).

However if it is not possible for the property to be brought up to the fitness standard, it may be possible for the tenant to be rehoused by the Housing Executive.

Further information can be obtained from the sources listed at Appendix F.

Appendix E: Glossary of Terms

Rent order	The Rent (Northern Ireland) Order 1978
Private Tenancies Order	The Private Tenancies (Northern Ireland) Order 2006
The Department (DfC)	The Department for Communities
NAV	Net annual value
Uncontrolled Tenancy	A tenancy where the terms of the tenancy are agreed between landlord and tenant and which is not a protected or statutory tenancy. An open market rent may only be charged for a tenancy commencing after 1 April 2007 if the property meets the fitness standard
Protect Shorthold Tenancy	Protected or statutory tenancy for a fixed term of between one and five years
Rent Register	Record maintained by the Rent Officer of rents payable under controlled tenancies
Registered Rent	Maximum recoverable rent for a controlled tenancy
HMO	House in Multiple Occupation
HMO Grant	Grant provided by the Housing Executive to bring an HMO up to the required standard

Appendix F: Sources of further information

Rent Officer for Northern Ireland 3rd Floor Causeway Exchange 1-7 Bedford Street Belfast BT2 7EG Email info.rentofficer@communities-ni.gov.uk	will be able to advise on: - whether or not a rent is registered - the procedure for registration - rent determinations - rent assessment committees
Housing Executive (see telephone directory under “Northern Ireland Housing Executive”)	
The Department (DfC)	The Department for Communities
District Offices	will be able to advise on the payment of housing benefit
Grants Offices	will be able to advise on the availability of Grants or on standards for Houses in Multiple Occupation

Land & Property Services Local Office (see telephone directory under “Government Offices – Land & Property Services”) Website: https://www.finance-ni.gov.uk/contacts/contact-land-property-services	Check website for details of net annual value
District Council Environmental Health Department (see telephone directory under the name of the council)	- will be able to advise on whether a certificate of fitness, notice of refusal, notice of unfitness or notice of disrepair has been issued - will advise on the procedure for issuing a public health notice - will provide advice in a case of illegal eviction or harassment
Housing Rights The Skainos Centre 239 Newtownards Road Belfast BT4 1AF Tel: (028) 9024 5640	is a voluntary organisation which provides free independent advice and representation on all housing matters including rent assessment committee hearings
Local Citizens Advice Bureau	www.citizensadvice.org.uk
Advice NI Tel 0800 915 4640	Telephone for details of your nearest local independent advice centre providing advice and information

Notes

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