

ANTRIM AND NEWTOWNABBEY DISTRICT COUNCIL
Environmental Health Services
Mossley Mill, Carnmoney Road North, Newtownabbey BT36 5QA

Application to Conduct an Inspection for Fitness
(Tenant Application)

FORM 2

The Private Tenancies (Northern Ireland) Order 2006 Article 35

Please use BLOCK LETTERS, in black ink, and send the form to the District Council named above. The Council will send a copy of this application form to the tenant. Please see the attached notes.

*** A fee of £50 must accompany this form.**

*** This application relates to a re-inspection. A fee of £100 must accompany this form.**

*** delete as appropriate**

1. Address of dwelling-house

This can be a house or flat

2. Name of tenant

3. Name and address of landlord

4. Name and address of landlord's Agent (if any)

5. Rent payable weekly monthly other (please specify)

6. Does the tenancy include property other than a dwelling house? YES
NO

For example, garage, or other separate buildings or land

If "YES", give details

7. Is a certificate of fitness in effect in respect of this dwelling?

YES NO DON'T KNOW

(see Note 4)

8. Please state the reason(s) you consider that the dwelling house does not meet the fitness standard for human habitation (see notes overleaf)

9. Description of dwelling-house

Tick which is applicable or provide details as appropriate

Year of construction

Pre 1945

1945-1956

Don't know

House type

Terrace house Semi-detached house Detached house

Flat in 2-storey block other flat or maisonette

Rooms

number of reception/living rooms _____

number of double bedrooms (minimum floor area 9.3m²) _____

number of single bedrooms (minimum floor area 3.7m²) _____

Heating

Full central heating (i.e. radiators in all rooms)

Partial central heating (i.e. radiators in some rooms)

Facilities *Insert "s" if shared with another household*

Fixed bath or shower

WC inside

WC outside only

wash hand basin

hot water supply

piped cold water supply

kitchen sink

10. Is the property let furnished? YES NO

11. Is the landlord responsible for repairs in accordance with Articles 7 and 9 of the Private Tenancies (Northern Ireland) Order 2006? (see note 7)

YES NO

If no, please attach tenancy agreement

12. Have any improvements been carried out by the tenant or on the tenant's behalf (for example, installation of central heating, replacement of kitchen or bathroom fittings)?

YES NO

If yes, please provide details

Signed.....

Date.....

NOTES

Fitness Inspections

(1) Article 36 of the Private Tenancies (Northern Ireland) Order 2006 states that a district council shall, if an application under Article 33 is made to it, inspect a dwelling-house let under a private tenancy, (certain dwelling-houses do not require a fitness inspection — see Note 3 below), with a view to deciding if it meets the fitness standard for human habitation. A dwelling-house can be a house or a flat.

Protected and statutory tenancies

(2) Protected and statutory tenancies are always subject to rent control. In the absence of a rent determination under the Private Tenancies (NI) Order 2006, the rent of a protected or statutory tenancy remains fixed at the level payable under the Rent (Northern Ireland) Order 1978.

The following dwelling-houses do not require a fitness inspection

- (3)
- (a) a dwelling-house let under a tenancy which began before the commencement of the Private Tenancies (NI) Order 2006; or
 - (b) a dwelling-house which was built after 1 January 1945; or
 - (c) a dwelling-house where a renovation grant has been paid by the Housing Executive, but only for a period of 10 years from the date of the grant; or
 - (d) a dwelling-house where an HMO grant has been paid by the Housing Executive, but only for a period of 10 years from the date of the grant; or
 - (e) a dwelling-house which is a house in multiple occupation currently registered with the Housing Executive; or
 - (f) a dwelling-house formerly let under a protected or statutory tenancy where a regulated rent certificate has been issued, but only for a period of 10 years from the date of the certificate.

The fitness standard for human habitation

(4) The Council will issue a certificate of fitness if it is satisfied that the dwelling-house meets the fitness standard for human habitation as set out in Article 46 of the Housing (NI) Order 1981. A dwelling house meets this standard if:-

- (a) it is structurally stable;
- (b) it is free from serious disrepair;
- (c) it is free from dampness prejudicial to the health of the occupants;
- (d) it has adequate provision for lighting, heating and ventilation;

- (e) it has an adequate piped supply of wholesome water;
- (f) there are satisfactory facilities in the house for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water;
- (g) it has a suitably located water-closet for the exclusive use of the occupants;
- (h) it has, for the exclusive use of the occupants (if any), a suitably located fixed bath or shower and wash-hand basin each of which is provided with a satisfactory supply of hot and cold water; and
- (i) it has an effective system for the draining of foul, waste and surface water.

If a certificate of fitness is issued

(5) In the case of protected and statutory tenancies, the Rent Officer for Northern Ireland will determine an appropriate rent, taking into account the fitness of the dwelling-house. In the case of all other tenancies, the rent for a tenancy which meets the fitness standard for human habitation is a matter for agreement between landlord and tenant.

If a notice of refusal is issued

(6) If the Council is not satisfied that the dwelling-house meets the fitness standard for human habitation it will give the landlord notice of its refusal of his application. A copy of this will be sent to the tenant (if any). This notice will state the reasons for refusal, and will also indicate the works which in the opinion of the Council will be necessary for the dwelling-house to meet the fitness standard for human habitation. In all cases, tenancies will be subject to rent control. An appropriate rent will be set by the Rent Officer for Northern Ireland. This rent will be the maximum which can be charged until the dwelling is brought up to the fitness standard for human habitation and a certificate of fitness is issued by the district council.

Repairing obligations

(7) The Private Tenancies (NI) Order 2006 does not alter the repairing obligations of landlord and tenant where these are clearly set out in the tenancy agreement. However, where this is not the case, the Order imposes default terms. These are set out in Articles 7 to 11 of the Order but can be summarised as follows:

Landlord's obligations

- Structural and exterior repairs (including gutters, drains etc, and external paintwork)
- Internal repairs other than those listed under tenant's obligations
- Repair and maintenance of gas, water, electric, sanitation and heating installations
- Repair and maintenance of any fixtures, fitting and furnishings provided under the tenancy

Tenant's obligations

- General care of the premises
- Repair of any damage caused by the tenant, his household or his visitors
- Internal decoration