

NOTES REGARDING FITNESS INSPECTION APPLICATION

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.

If your property meets any of these definitions, then you do NOT require a Certificate of Fitness and should NOT proceed with the application process. If you do, however, submit an application and it is later discovered that the property is exempt from these regulations, the £50 fee accompanying your application cannot be refunded.

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

Using your Personal Information

The Council's Environmental Health Protection and Development team takes your right to personal privacy seriously. Personal information you supply will be used:

- a) to carry out, administer and manage the Council's statutory duties and responsibilities, in line with those detailed in the Notes section; and
- b) for other purposes required by the Council's legal obligations, which may include reporting of information to other statutory bodies.

The collection and retention of this personal information is required by the statutory provisions outlined in this document and may be shared with other statutory or regulatory bodies where there is a legal requirement to do so.

If you wish to request your personal information or have a data protection query, please put your request in writing, stating clearly who you are and your query to: Data Protection Officer, Ards and North Down Borough Council, Town Hall, The Castle, Bangor, Co Down BT20 4BT, Email: dataprotection@ardsandnorthdown.gov.uk or Tel: 0300 013 3333.

