



# INFORMATION ON RENT-CONTROLLED TENANCIES

# INFORMATION ON RENT-CONTROLLED TENANCIES

The Private Tenancies (Northern Ireland) Order 2006 came into force on 1 April 2007. This law imposes rent control on certain private tenancies.

## **What tenancies are rent-controlled?**

There are two types of rent-controlled tenancy:

- **unfit private tenancies starting after 1 April 2007**

Where a district council inspects a private tenancy and finds it to be unfit, the Rent Officer will determine the maximum rent which can be charged. This rent will apply until the property is made fit and a Certificate of Fitness issued. Only prescribed tenancies (see below) are exempt from this provision.

- **all protected and statutory tenancies, formerly known as regulated and restricted tenancies, which were rent-controlled under the Rent (NI) Order 1978**

Protected and statutory tenancies continue to be subject to rent control. Any such tenancy which is prescribed (see below) is assumed to be fit. Any tenancy which is not prescribed is assumed to be unfit, until it is inspected and a Certificate of Fitness is issued by the district council.

Landlords of protected and statutory tenancies can apply directly to the Rent Officer for an appropriate rent to be determined. Those which are not assumed to be fit or which do

not have a Certificate of Fitness issued by the district council will be assumed to be unfit. This will impact on the maximum rent which can be charged.

### **Fitness inspections**

All private tenancies commencing after 1 April 2007 must have a fitness inspection conducted by the district council UNLESS the dwelling is PRESCRIBED. Prescribed dwellings are EXEMPT from the requirement to have a fitness inspection. The categories of exemption are:

- buildings constructed after 1945 (this is the date of construction of the building, not the date of any subsequent renovation, extension or conversion)
- any dwelling where a Housing Executive renovation grant was paid within the past 10 years
- a dwelling in respect of which a House in Multiple Occupation (HMO) grant was paid within the past 10 years
- a dwelling which is currently registered with the Housing Executive as a House in Multiple Occupation
- a dwelling in respect of which a Regulated Rent Certificate was issued by the district council within the past 10 years.

The duty to apply for a fitness inspection rests with the landlord but a tenant can re-apply if a Certificate of Fitness has been issued but the

property later becomes unfit. When applying, the tenant must give the council sufficient reason to consider that the property may be unfit.

### **Who sets the rent?**

The Rent Officer determines the maximum rent which can be charged for any rent-controlled tenancy. In the case of dwellings inspected by a district council, this is done automatically as the council forwards the relevant information to the Rent Officer.

### **How is the amount of rent determined?**

The Private Tenancies (NI) Order 2006 requires the Rent Officer when making a rent determination to take in account the following factors:

- the terms of the tenancy
- the state of repair, especially if the property is either fit or unfit
- the equivalent Housing Executive rent for a similar dwelling
- the Local Reference Rent used by the Housing Executive for housing benefit purposes
- the provision of any furnishings
- the extent of any tenant neglect
- the extent of any tenant improvements, such as central heating.

Once the Rent Officer has determined a rent, the landlord and tenant are notified. Both parties

have 14 days to appeal this decision to a Rent Assessment Committee. If no appeal request is received, the Rent Officer's decision takes effect. If a Rent Assessment Committee decides to change the Rent Officer's decision, the new rent will take effect when the committee's decision is notified to the Rent Officer and this rent is registered.

Only protected or statutory tenancies can request a further review of the registered rent where there has been a change of circumstances in relation to the tenancy.

### **Maximum rent**

If a tenancy is rent-controlled (i.e. either a new unfit tenancy or protected tenancy), the maximum rent which can be charged is the registered rent.

In the case of a protected or statutory tenancy, the maximum rent is the rent payable under the Rent Order prior to 1 April 2007. This remains in force until the tenancy is registered under the Private Tenancies Order.

Any overpaid rent can be recouped by the tenant, either from future rent (two years from the registration date only) or through a Small Claims Court action.

Where a landlord fails to request an inspection within 28 days of the start of the tenancy and the property is later found on inspection to be unfit, rent control will be backdated to 28 days after the commencement of the tenancy.

### **What if I am claiming Housing Benefit?**

If you are in receipt of Housing Benefit or wish to apply for help with your rent and rates, you should contact your local Housing Benefit office to discuss the changes to your rent.

### **Rent Officer for Northern Ireland**

The Rent Officer for Northern Ireland is an independent statutory appointment created under the Private Tenancies (Northern Ireland) Order 2006. The Rent Officer is responsible for:

- determining the status of any private tenancy in order to decide if it is subject to rent control
- determining the amount of rent which can be charged for a rent-controlled tenancy
- maintaining the register of controlled rents
- reviewing the levels of registered rents at the request of the Department for Social Development.

### **Rent Register**

The Rent Officer maintains the register of rents, which is available for public inspection on the Rent Officer's website [www.rentofficer-ni.gov.uk](http://www.rentofficer-ni.gov.uk)  
This register contains details of tenancies

registered after 1 April 2007. These are:

- protected tenancies which are always subject to rent control
- other unfit tenancies UNTIL they are made fit and a Certificate of Fitness is issued by the district council.

Register entries are removed when:

- the property is made fit and the district council issues a Certificate of Fitness (this does not apply to protected tenancies), or
- the tenancy ends. This applies to all registered tenancies.

Where a property is unfit, a record will be retained by the Rent Officer as any future letting will continue to be rent-controlled.

### **Where can I get further information or assistance?**

If you would like independent advice or information on your rights and obligations you can contact the Housing Rights Service (telephone number (028) 9024 5640). This is an independent voluntary organisation which provides advice and assistance in relation to housing matters.



2nd Floor

The Lighthouse Building

1 Cromac Place

Belfast BT7 2JB

[info@rentofficer-ni.gov.uk](mailto:info@rentofficer-ni.gov.uk)

[www.rentofficer-ni.gov.uk](http://www.rentofficer-ni.gov.uk)

Tel 028 9082 9262

Fax 028 9082 9343