
STATUTORY INSTRUMENTS

2006 No. 1459

The Private Tenancies (Northern Ireland) Order 2006

PART II

OBLIGATIONS OF LANDLORDS AND TENANTS

Particulars relating to the tenancy, etc.

Tenant to be given notice regarding certain matters

4.—(1) Where, on or after the commencement of this Order, a private tenancy of a dwelling-house is granted, the landlord under the tenancy shall, within 28 days after the date on which the tenancy is granted, give to the tenant a notice in such form, and containing such particulars and other information relating to the tenancy, as may be prescribed.

(2) Where, on or after the commencement of this Order, a prescribed term of a private tenancy of a dwelling-house is varied, the landlord under the tenancy shall, within 28 days after the date on which the term of the tenancy is varied, give to the tenant a notice in such form, and containing such information relating to the variation of the term, as may be prescribed.

(3) Paragraph (2) applies whether the private tenancy was granted before or after the commencement of this Order, and in that paragraph “varied” includes varied by omission.

(4) A tenant shall not be required to make a payment in respect of any notice under this Article.

(5) A landlord who fails to comply with paragraph (1) or (2) shall be guilty of an offence under this Order.

Tenant to be provided with a rent book

5.—(1) The landlord of a dwelling-house let under a private tenancy shall, within 28 days after the date on which the tenancy is granted, provide the tenant with a rent book for use in respect of the dwelling-house.

(2) A rent book—

(a) shall be used to maintain a written record of rent and other payments made in respect of a tenancy, and

(b) shall contain such particulars and information relating to the tenancy as may be prescribed.

(3) A tenant shall not be required to make a payment in respect of the provision of a rent book.

(4) If the landlord under a private tenancy fails to comply with paragraph (1), he and, subject to paragraph (6), any person who on his behalf demands or receives rent in respect of the dwelling-house held under that tenancy while the failure continues, shall be guilty of an offence under this Order.

(5) If any default in respect of which a landlord is convicted of an offence under paragraph (4) continues for more than 14 days after that conviction, that landlord shall be deemed to have committed a further offence under that paragraph in respect of that default.

(6) If any person other than the landlord is charged with an offence under paragraph (4), it shall be a defence for him to prove that he neither knew nor had reasonable cause to believe this Article had not been complied with.

Repair and maintenance

Application of Articles 7 to 11

6. The provisions set out in Articles 7 to 11 apply in relation to—
- (a) any private tenancy of a dwelling-house granted on or after the commencement of this Order, and
 - (b) any protected or statutory tenancy which immediately before the commencement of this Order was a regulated tenancy under the Rent Order;

but only in so far as those provisions are not inconsistent with any express provision in the contract of tenancy.

Landlord's duties to repair

- 7.—(1) The landlord under a private tenancy—
- (a) shall keep in repair the structure and exterior of the dwelling-house comprised in that tenancy;
 - (b) shall, subject to Article 8, keep in repair the interior of the dwelling-house;
 - (c) shall keep in repair and in proper working order—
 - (i) the installations in the dwelling-house for the supply and use of water, gas and electricity and for sanitation (including basins, sinks, baths and sanitary conveniences),
 - (ii) the installations in the dwelling-house for space heating or heating water,
 - (iii) any appliances for making use of the supply of water, gas or electricity which the landlord has provided under the terms of the tenancy, and
 - (iv) any fixtures, fittings or furnishings which the landlord has provided under the terms of the tenancy.

(2) The duty imposed by paragraph (1)(a) includes a duty to keep exterior paintwork in reasonable order.

- (3) In this Article “structure and exterior” includes drains, gutters and external pipes.

Care of premises by tenant

8. The tenant under a private tenancy—
- (a) shall take proper care of the premises comprised in that tenancy as a good tenant;
 - (b) shall make good any damage to those premises wilfully or negligently done or caused to the premises by the tenant, by any tenant of his or by any other person lawfully living in or lawfully visiting the premises;
 - (c) shall keep the interior of the dwelling-house in reasonable decorative order; and
 - (d) shall not carry out any alterations to those premises without the consent of the landlord, but that consent shall not be unreasonably withheld.

Landlord's obligations under private tenancy of parts of building

9. Where a dwelling-house let under a private tenancy consists of a part of a building and the tenant under the private tenancy is entitled to the use (whether with others or not) for access or other purposes of other parts of the building or its curtilage, the landlord shall—

- (a) keep in good order and condition any part of the building or curtilage which the tenant is entitled to use as mentioned above;
- (b) ensure that any part of the building or curtilage which the tenant is entitled to use as mentioned above for access is adequately lit and safe to use.

General qualifications on landlord's duties

10. The duties imposed on the landlord by Articles 7 and 9 do not require the landlord—

- (a) to carry out works or repairs for which the tenant is liable by virtue of Article 8;
- (b) to keep in repair or maintain anything—
 - (i) which was not constructed or provided by the landlord or any person from whom he derives title, or
 - (ii) which the tenant is entitled to remove from the dwelling-house;
- (c) to rebuild or re-instate the dwelling-house in the case of destruction or damage by fire, or by tempest, flood or other inevitable accident.

Standard of repair and knowledge of disrepair

11.—(1) In determining the standard of repair required by virtue of Articles 7 to 9, regard is to be had to the age, character and prospective life of the premises.

(2) A landlord is not under a duty to carry out works by virtue of Articles 7 and 9 unless he has actual knowledge (whether because of notice given by the tenant or otherwise) of the need for those works.

Inspection, etc. of premises

Entry and inspection of premises

12.—(1) The tenant under a private tenancy shall permit the landlord, and persons authorised by him for the purpose, to enter the premises comprised in the tenancy at reasonable times and upon reasonable notice in order to—

- (a) inspect the state of repair of the premises, and
- (b) carry out any works which the landlord is under a duty to execute.

(2) Where—

- (a) the landlord under a private tenancy wishes to carry out any works which he is under a duty to execute, and
- (b) the tenant will not permit him to do so,

the landlord may apply to the county court for an order empowering him, and persons authorised by him for the purpose, to enter the dwelling-house and carry out the works.

(3) An order under paragraph (2) may be made subject to conditions as to—

- (a) the time at which the works are to be carried out, and
- (b) any provision to be made for the accommodation of the tenant and his household,

as the court may think fit.

(4) Where, in the exercise of powers conferred by this Article, any damage is caused to the premises or any property in or on the premises by the landlord or any person authorised by him, the landlord shall make that damage good.

Duration of private tenancies

Tenancies to be for a term certain

13.—(1) Where, on or after the commencement of this Order—

- (a) a private tenancy is granted, and
- (b) the contract of tenancy does not provide that the duration of the tenancy is to be for a term certain,

the tenancy shall take effect for a term certain of 6 months, beginning on the day on which the tenant is entitled to take possession of the dwelling-house.

(2) Nothing in this Article applies to a statutory tenancy.

Length of notice to quit

14.—(1) A notice by a landlord or tenant to quit a dwelling-house let under a private tenancy shall not be valid unless it is given in writing not less than 4 weeks before the date on which it is to take effect.

(2) Paragraph (1) applies whether the private tenancy was granted before or after the commencement of this Order.