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## STATUTORY INSTRUMENTS

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# 2006 No. 1459

## The Private Tenancies (Northern Ireland) Order 2006

### PART II

#### OBLIGATIONS OF LANDLORDS AND TENANTS

##### *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.

#### **[<sup>F1</sup>Application of Articles 11B to 11F**

11A.—(1) The provisions set out in Articles 11B to 11F apply in relation to—

- (a) any private tenancy of a dwelling-house granted on or after the date on which section 8 of the Private Tenancies Act (Northern Ireland) 2022 comes into operation, and
- (b) any private tenancy of a dwelling-house granted before the date on which section 8 of the Private Tenancies Act (Northern Ireland) 2022 comes into operation (but only from the prescribed date).

(2) For the purposes of paragraph (1)(b), a statutory tenancy is to be treated as if it were a private tenancy granted before the commencement of section 8 of the Private Tenancies Act (Northern Ireland) 2022 (regardless of when the dwelling-house in question became subject to the statutory tenancy).

**Textual Amendments**

**F1** Arts. 11A-11F inserted (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\)](#), **ss. 8(2)**, 14(2)(d)

**Landlord’s duties: fire, smoke and carbon monoxide alarms**

- 11B.**—(1) The landlord under a private tenancy must keep in repair and in proper working order—
- (a) sufficient appliances for detecting fire or smoke, and for giving warning in the event that they are detected, and
  - (b) sufficient appliances for detecting whether carbon monoxide is present at levels that are harmful to people, and for giving warning if it is.
- (2) The Department may by regulations set minimum standards for the purpose of determining whether the duties under paragraph (1) have been complied with.
- (3) The standards that may be set under paragraph (2) include standards as to the number, type and condition of appliances that should be installed in circumstances specified in the regulations.
- (4) A landlord who fails to comply with a duty under paragraph (1) is guilty of an offence under this Order.

**Textual Amendments**

**F1** Arts. 11A-11F inserted (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\)](#), **ss. 8(2)**, 14(2)(d)

**Tenant’s duties: fire, smoke and carbon monoxide alarms**

- 11C.** The tenant under a private tenancy—
- (a) must take proper care of the appliances installed for the purposes of Article 11B as a good tenant;
  - (b) must make good any damage to those appliances wilfully or negligently done or caused by the tenant, by any tenant of his or hers or by any other person lawfully living in or lawfully visiting the premises.

**Textual Amendments**

**F1** Arts. 11A-11F inserted (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\)](#), **ss. 8(2)**, 14(2)(d)

**Landlord’s duties: private tenancy of part of a building**

**11D.** Where a dwelling-house let under a private tenancy consists of a part of a building, the duties imposed on the landlord by Article 11B may require the landlord to position appliances in a part or parts of the building not comprised in the tenancy.

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**Changes to legislation:** There are currently no known outstanding effects for the The Private Tenancies (Northern Ireland) Order 2006, Cross Heading: Repair and maintenance. (See end of Document for details)

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**Textual Amendments**

**F1** Arts. 11A-11F inserted (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\)](#), **ss. 8(2)**, 14(2)(d)

**General qualification on landlord's duties**

**11E.** The duties imposed on the landlord by Article 11B do not require the landlord to carry out works or repairs for which the tenant is liable by virtue of Article 11C.

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**Textual Amendments**

**F1** Arts. 11A-11F inserted (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\)](#), **ss. 8(2)**, 14(2)(d)

**Knowledge of disrepair**

**11F.** A landlord is not under a duty to carry out works by virtue of Article 11B unless the landlord has actual knowledge (whether because of notice given by the tenant or otherwise) of the need for those works]

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**Textual Amendments**

**F1** Arts. 11A-11F inserted (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\)](#), **ss. 8(2)**, 14(2)(d)

**Changes to legislation:**

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