
DRAFT STATUTORY INSTRUMENTS

2015 No.

**The Energy Efficiency (Private Rented Property)
(England and Wales) Regulations 2015**

PART 2

Tenants' energy efficiency improvements

CHAPTER 2

Request for consent to the making of relevant energy
efficiency improvements to domestic PR property

Superior landlord's duty not to unreasonably refuse a tenant's request

11.—(1) Subject to regulations 13(5)(a) and 14(3), where a superior landlord is served with copies of a tenant's request and a landlord's initial response, or a landlord's full response, in accordance with regulation 12(5), the superior landlord must not unreasonably refuse consent to the making of a relevant energy efficiency improvement falling within regulation 12(4).

(2) A superior landlord's refusal of consent is not unreasonable where—

- (a) paragraph (3) applies,
- (b) paragraph (4) applies,
- (c) the superior landlord relies, or intends to rely, on an exemption in Chapter 3.

(3) This paragraph applies where—

- (a) in the six months preceding the date on which the superior landlord is served with copies of the tenant's request and the landlord's initial response in accordance with regulation 12(5), the superior landlord was served with a copy of another tenant's request in accordance with regulation 12(5) in relation to the same domestic PR property, and the superior landlord complied with the requirements of these Regulations in relation to that other tenant's request,
- (b) a notice has been served on the landlord or the superior landlord, and remains in force, in relation to the domestic PR property, or the building of which it forms part—
 - (i) under section 20, section 21, or section 43, of the Housing Act 2004, or
 - (ii) under section 265(1) to (4) of the Housing Act 1985, or
- (c) a declaration has been made in relation to the domestic PR property, or the building of which it forms part, under section 289 of the Housing Act 1985.

(4) This paragraph applies where the relevant energy efficiency improvement falls within any of paragraphs (d), (n) or (v) of the Schedule to the Green Deal (Qualifying Energy Improvements) Order 2012, and the landlord, or the superior landlord, has obtained a written opinion described in regulation 10(4).

(5) A superior landlord must, no later than six weeks after the date of service on the superior landlord of a copy of the landlord's initial response or, where the landlord's initial response states

that the landlord intends to serve a counter proposal, no later than six weeks after the date of service of the landlord's intended counter proposal, serve a notice (a "superior landlord's response") on the landlord—

- (a) stating, in relation to each of the relevant energy efficiency improvements falling within regulation 12(4), or to each of the energy efficiency improvements in the intended counter proposal that may not be made without the consent of the superior landlord (as the case may be), whether the superior landlord consents to the making of that improvement, and
- (b) where the superior landlord does not consent to the making of such a relevant energy efficiency improvement, setting out the superior landlord's reasons and accompanied by any relevant supporting evidence.