2007 No. 131

LANDLORD AND TENANT

The Private Tenancies (Forms etc.) Regulations (Northern Ireland) 2007

Made - - - - - *5th March 2007*

Coming into operation *1st April 2007*

The Department for Social Development makes the following Regulations, in exercise of the powers conferred on it by Articles 34(1) and (3), 35(3) and (5), 45(2), 46(3), 49(2) and 72(1) of and paragraph 1(1) of Schedule 2 to the Private Tenancies (Northern Ireland) Order 2006(**a**):

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Private Tenancies (Forms Etc.) Regulations (Northern Ireland) 2007 and shall come into operation on 1st April 2007.

(2) In these Regulations:—

"appropriate rent" has the meaning assigned to it in Article 39 of the Order;

"controlled tenancy" has the meaning given in Article 40(4) of the Order;

"HMO grant" has the meaning assigned to it in Article 35(5) of the Housing (Northern Ireland) Order 2003(**b**);

"house in multiple occupation" has the meaning assigned to it in Part IV of the Housing (Northern Ireland) Order 1992(**c**);

"the Order" means the Private Tenancies (Northern Ireland) Order 2006;

"register" means the register of rents referred to in Article 46(1) of the Order;

"renovation grant" means a grant paid under Article 50 of the Housing (Northern Ireland) Order 1992, or paid or payable under Article 40 of the Housing (Northern Ireland) Order 2003.

Forms to be used

2. The forms set out in Schedule 2 (of which a list is set out in Schedule 1) shall be the forms to be used in the exercise of functions under the Order.

Particulars to be contained in the register of rents

3. The register shall contain the particulars with regard to a controlled tenancy which are set out in Schedule 3.

(**a**) S.I. 2006 /1459 (N.I. 10)
(**b**) S.I. 2003/412 (N.I. 2)
(**c**) S.I. 1992/1725 (N.I. 15) as amended by S.I. 2003/412 (N.I. 2)

Revocation

4. The Rent (Forms etc.) Regulations (Northern Ireland) 1983(**a**) are hereby revoked.

Sealed with the Official Seal of the Department for Social Development on 5th March 2007.

(L.S.) *D. M. Crothers*

A senior officer of the Department for Social Development

(**a**) S.R.1983 No. 266

SCHEDULE 1

Regulation 2

List of Forms

Form No.

1. Application to conduct an inspection for fitness (landlord application)
2. Application to conduct an inspection for fitness (tenant application)
3. Notice of application received to inspect a dwelling-house for fitness
4. Certificate of fitness
5. Notice of refusal of application for a certificate of fitness
6. Notification of registration of rent of a controlled tenancy
7. Application for further determination of rent
8. Notice by rent assessment committee requiring information

9a. and 9b. Notice of unfitness

10a. and 10b. Notice of disrepair

11. Notice of increase in rent of a controlled tenancy

SCHEDULE 2 Regulation 2

FORM 1

[*Insert name and address of district council*]

Application to Conduct an Inspection for Fitness (Landlord Application)

The Private Tenancies (Northern Ireland) Order 2006 Article 33

Please use BLOCK LETTERS, in black ink, and send the form to the District Council named above.

The Council will send a copy of this application form to the tenant. Please see the attached notes.

*** A fee of £50 must accompany this form.**

*** This application relates to a re-inspection. A fee of £100 must accompany this form.**

*** delete as appropriate**

1. Address of dwelling-house

This can be a house or flat

---

2. Name of tenant

---

3. Date the current tenancy commenced

---

4. Rent payable ☐ weekly ☐ monthly ☐ other (please specify)

5. Name and address of landlord

---

6. Name and address of landlord's agent (if any)

---

7. Does the tenancy include property other than the dwelling-house?

For example, garage, or other separate buildings or land YES ☐ NO ☐

If "YES", give details

---

8. Has a notice of refusal been issued in respect of this dwelling? (see note 6)

YES ☐ NO ☐ DON'T KNOW ☐

9. Description of dwelling-house

Tick which is applicable or provide details as appropriate

Year of construction

Pre 1945 ☐

1945-1956 ☐

Don't know ☐

House type

Terrace house ☐ Semi-detached house ☐ Detached house ☐

Flat in 2-storey block ☐ Other flat or maisonette ☐

Rooms

number of reception/living rooms _____

number of double bedrooms (minimum floor area 9.3m^2) _____

number of single bedrooms (minimum floor area 3.7m^2) _____

Heating

Full central heating (i.e. radiators in all rooms) ☐

Partial central heating (i.e. radiators in some rooms) ☐

Facilities *Insert "s" if shared with another household*

Fixed bath or shower ☐

WC inside ☐

WC outside only ☐

wash hand basin ☐

hot water supply ☐

piped cold water supply ☐

kitchen sink ☐

10. Is the property let furnished? YES ☐ NO ☐

11. Is the landlord responsible for repairs in accordance with Articles 7 and 9 of the Private Tenancies (Northern Ireland) Order 2006? (see note 7)

YES ☐ NO ☐

If no, please attach tenancy agreement

12. Have any improvements been carried out by the tenant or on the tenant's behalf (for example, installation of central heating, replacement of kitchen or bathroom fittings)?

YES ☐ NO ☐

If yes, please provide details

Signed .....

*LANDLORD/AGENT

*(delete as appropriate)

Date .....

NOTES

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.

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

FORM 2

[*Insert name and address of district council*]

Application to Conduct an Inspection for Fitness (Tenant Application)

The Private Tenancies (Northern Ireland) Order 2006 Article 35

Please use BLOCK LETTERS, in black ink, and send the form to the District Council named above.

The Council will send a copy of this application form to the landlord.

***A fee of £50 must accompany this form.**

***delete if appropriate**

1. Address of Dwelling-house

This can be a house or flat

---

2. Name of Tenant

---

3. Name and Address of Landlord

---

4. Name and Address of Landlord's Agent (if any)

---

5. Rent payable ☐ weekly ☐ monthly ☐ other (please specify)

6. Does the tenancy include property other than the dwelling-house? YES ☐ NO ☐

For example, garage, or other separate building or land

If "YES", give details

---

7. Is a certificate of fitness in effect in respect of this dwelling?

YES ☐ NO ☐ DON'T KNOW ☐

(see note 4)

8. Please state the reason(s) you consider that the dwelling-house does not meet the fitness standard for human habitation (see notes overleaf).

9. Description of dwelling-house

Tick which is applicable or provide details as appropriate

Year of construction

Pre 1945 ☐

1945-1956 ☐

Don't know ☐

House type

Terrace house ☐ Semi-detached house ☐ Detached house ☐

Flat in 2-storey block ☐ Other flat or maisonette ☐

Rooms

number of reception/living rooms _____

number of double bedrooms (minimum floor area 9.3m^2) _____

number of single bedrooms (minimum floor area 3.7m^2) _____

Heating

Full central heating (i.e. radiators in all rooms) ☐

Partial central heating (i.e. radiators in some rooms) ☐

Facilities *Insert "s" if shared with another household*

Fixed bath or shower ☐

WC inside ☐

WC outside only ☐

wash hand basin ☐

hot water supply ☐

piped cold water supply ☐

kitchen sink ☐

10. Is the property let furnished? YES ☐ NO ☐

11. Is the landlord responsible for repairs in accordance with Articles 7 and 9 of the Private Tenancies (Northern Ireland) Order 2006? (see note 7)

YES ☐ NO ☐

If no, please attach tenancy agreement

12. Have any improvements been carried out by the tenant or on the tenant's behalf (for example, installation of central heating, replacement of kitchen or bathroom fittings)?

YES ☐ NO ☐

If yes, please provide details

Signed .....

Date .....

NOTES

Fitness Inspections

(1) Article 36 of the Private Tenancies (Northern Ireland) Order 2006 states that a district council shall, if an application under Article 35 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. The application must contain information that is sufficient in the opinion of the council to indicate that the dwelling-house may no longer be fit 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.

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 the fitness standard for human habitation 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 the application. A copy of this will be sent to the tenant. 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

FORM 3

[*Insert name of District Council*]

Notice of Application Received to Inspect a Dwelling-house for Fitness

The Private Tenancies (Northern Ireland) Order 2006 — Articles 34(3) & 35(5)

1. Address of dwelling-house

(Property to be inspected)

_____

_____

2. Date application received

_____

3. Name and Address of Applicant

(*landlord, agent or tenant*)*

_____

_____

An application to inspect the above dwelling-house which is let under a private tenancy has been received. A copy of the application is enclosed. You may, within 28 days from the service of this notice, make representations to the Council as to whether or not the dwelling-house meets the fitness standard for human habitation.

You should read the notes below which explain the fitness standard for human habitation and the effect it has on your rent.

Dated this day of 20 .

Signed .....

(For and on behalf of the Council)

* delete as appropriate

NOTES

Fitness Inspections

(1) Article 36 of the Private Tenancies (Northern Ireland) Order 2006 states that a district council shall, if an application under Articles 33 or 35 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. An application made under Article 35 must contain information that is sufficient in the opinion of the council to indicate that the dwelling-house may no longer be fit 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.

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 the fitness standard for human habitation 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 the 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

FORM 4

[*Insert name of District Council*]

Certificate of Fitness

The Private Tenancies (Northern Ireland) Order 2006 Article 36(4)

Dwelling House at _____

_____

_____

_____ Council in accordance with Article 36(4) of the Private Tenancies (Northern Ireland) Order 2006 having caused the above dwelling-house to be inspected hereby certifies that it is satisfied that it is fit for human habitation.

Dated this day of 20 .

Address of Council _____

_____

_____

_____

Signed .....

(For and on behalf of the Council)

NOTES

Rent

(1) Where a certificate of fitness is issued in respect of a protected or statutory tenancy the rent officer will determine an appropriate rent.

Appeal

(2) A tenant on whom a copy of a certificate of fitness is served under Article 36(6) may appeal to the county court within 21 days after the date of service of the copy of the certificate.

FORM 5

Notice of Refusal of Application for a Certificate of Fitness

The Private Tenancies (Northern Ireland) Order 2006 Article 36(5)

1. Name and Address of District Council

(*Council to which application was made*)

_____

_____

_____

2. Address of Dwelling-house

(*Property which was inspected*)

_____

_____

3. The ..... Council having caused the above-mentioned dwelling-house to be inspected in accordance with Article 36(1) of the Private Tenancies (Northern Ireland) Order 2006, is not satisfied that the dwelling-house is fit for human habitation and hereby issues a notice of refusal to issue a certificate of fitness.

4. The reasons for this decision are:

[*please list criteria on which the dwelling has failed the fitness standard for human habitation*]

5. The works necessary to enable the dwelling-house to be made fit for human habitation are listed on the attached schedule.

Signed .....

(For and on behalf of the Council)

Dated .....

NOTES

Rent

(1) Where a notice of refusal is issued in respect of a dwelling-house let on a private tenancy, an appropriate rent shall, despite anything in any agreement, be determined by the rent officer for the period of time during which the dwelling-house remains unfit. This is the maximum rent which can be charged for the tenancy.

Appeal

(2) A landlord on whom a notice of refusal to issue a certificate of fitness is served may appeal to the county court within 21 days after the service of the notice.

SCHEDULE OF WORKS REQUIRED
TO MAKE THE PROPERTY FIT FOR HUMAN HABITATION

[Date and signature]

FORM 6

Notification of registration of rent of a controlled tenancy

The Private Tenancies (Northern Ireland) Order 2006 Article 43(1)

Dear Sir/Madam

Notification of registration of rent

Dwelling house at _____

_____

1. The rent officer has determined a rent in respect of the above-mentioned dwelling-house. The rent determined is shown in the box below.

Amount of Rent ..... per ..... (not including rates)

2. If the landlord or tenant wishes to have this determination considered by a rent assessment committee, an application must be made to the rent officer within 14 days of the date of service of this notice. An application should be sent to the Rent Officer for Northern Ireland, James House, 2-4 Cromac Avenue, Gasworks Business Park, Ormeau Road, Belfast BT7 2JA.

3. If no application is received within 14 days of the date of service of this notice, the rent will be registered.

Signed .....

(For and on behalf of the rent officer)

Date .....

NOTES

1. The rent which has been determined is the maximum amount which can be lawfully charged for this tenancy. If the rent presently payable is less than this amount, the landlord may serve a notice of increase, in the prescribed form, to bring it up to this level. This increase shall not be payable until 4 weeks written notice is given to the tenant by the landlord.

2. Where a tenant has paid rent in excess of the registered rent he is entitled to recover the excess from the landlord.

3. The rent register may be inspected on the rent officer website at www.rentofficer-ni.gov.uk

4. This notice has also been sent to the other party affected by the registration.

FORM 7

Application for further determination of rent

The Private Tenancies (Northern Ireland) Order 2006 Article 45(2)

1. Address of dwelling-house

_____

_____

2. Name of tenant

_____

3. Name and address of landlord

_____

_____

4. Name and address of landlord's agent (if any)

_____

_____

5. Describe change in circumstances

_____

_____

Name .....

(Please print in block capitals)

Signed .....

* LANDLORD/TENANT

* Delete as appropriate

Date .....

Please return to:

The Rent Officer for Northern Ireland
James House
2-4 Cromac Avenue
Gasworks Business Park
Belfast BT7 2JA

FORM 8

[*Insert address of Rent Assessment Panel*]

Notice by Rent Assessment Committee Requiring Information

The Private Tenancies (Northern Ireland) Order 2006 Schedule 2

[name and address of tenant, landlord or landlord's agent]

Dear Sir/Madam

DWELLING-HOUSE AT .....

A rent assessment committee has been assigned to consider the rent officer's determination of the rent for the above-mentioned dwelling-house. To assist in its consideration, the committee requires you to provide the information specified below.

Please forward this information to the committee at the address above to arrive not later than

.....

Failure to supply this information without reasonable cause may result in a fine on conviction of an amount not exceeding £2,500.

INFORMATION REQUIRED:—

Signed .....

[insert name in block capitals]

For the Rent Assessment Committee

Date .....

FORM 9A

[*Insert name and address of district council*]

Notice of Unfitness

The Private Tenancies (Northern Ireland) Order 2006 Article 18(1)

To _____ of _____

1. You are the owner of the dwelling-house known as

[*insert address*]

_____

_____

(*"the premises"*)

2. The _____ Council is satisfied that the premises are unfit for human habitation as described in Schedule 1 to this notice.

3. The Council, having had regard to the guidance given by the Department for Social Development under Article 62 of the Private Tenancies (Northern Ireland) Order 2006 ("the Order"), and having consulted the Executive in accordance with Article 21 of the Order, is satisfied that the most satisfactory course of action in respect of the premises is the service of a notice of unfitness under Article 18 of the Order.

4. In the opinion of the Council the works specified in Schedule 2 to this notice ("the works") will render the premises fit for human habitation.

5. Under Article 18 of the Order the Council requires you to carry out the works and to complete them within the period of _____ of the date of service of this notice.

Signed .....

(For and on behalf of the Council)

Date .....

Schedule 1

In the opinion of the Council, the premises fail to meet the following requirements of Article 46 of the Housing (Northern Ireland) Order 1981—

and by reason of that failure, the premises are not reasonably suitable for occupation.

Schedule 2

Specification of works to be carried out

[Date and signature]

NOTES

Definition of owner

For purposes of Part III of the Private Tenancies (Northern Ireland) Order 2006 "the owner" in relation to a dwelling-house or building means the person who for the time being receives or is entitled to receive the rent of the dwelling-house or building, whether on his own account or as agent or trustee for any other person.

(Article 15)

Right of Appeal

If you do not agree with this notice you may appeal against it to the county court but you must do this within 21 days after this notice is served on you.

(Article 22)

Operative date of notice

If there is no appeal the notice will become operative at the end of 21 days from the date it is served.

If there is an appeal and the county court confirms the notice, it will not become operative until the period for appealing to the Court of Appeal expires without such an appeal being brought. If there is such a further appeal, the notice will not become operative until it is confirmed by the Court of Appeal.

If you start an appeal and then withdraw it, the notice will become operative on the day on which it would have become operative if the county court or Court of Appeal had confirmed the notice, order or decision against which the appeal was brought, on the day on which you withdrew your appeal.

(Article 23)

Penalty

If you fail to comply with this notice within the period specified in this notice or, where the notice has been varied on appeal, such other period as the court may specify on the final determination of the appeal ("the appropriate period") you commit an offence punishable in the magistrate's court by a fine not exceeding level 4, currently [£2,500], on the standard scale.

(Articles 24 and 68)

Enforcement

If you do not comply with this notice within the appropriate period the Council may do the works itself and charge you the costs. These costs, together with interest from the date when a demand for the expenses concerned has been served, may be recovered as a civil debt and will be considered a mortgage against the property in question, enforceable under the Conveyancing Act 1881 and registered in the Statutory Charges Register.

(Article 25)

Grant

You may be entitled to a discretionary grant towards the cost of the works from the Northern Ireland Housing Executive. You should contact the Housing Executive about the possibility of obtaining grant aid.

County Court

If you decide to appeal you will need to apply to your local county court. You can find the address and telephone number in the telephone directory under "Northern Ireland Court Service".

Further information

If you do not understand this notice or wish to know more about it you should contact the Council. If you would like independent advice or information on your rights and obligations you should contact a solicitor, or Housing Rights Service (telephone number (028) 90245640), or Advice NI, (telephone number (028) 90645919) which will be able to give you details of your local independent advice centre, or your local Citizens Advice Bureau (see the telephone directory for details).

FORM 9B

[*Insert name and address of district council*]

Notice of Unfitness

The Private Tenancies (Northern Ireland) Order 2006 Article 18(2)

To _____ of _____

1. You are the owner of the building known as

[*insert address*]

_____

_____

(*"the building"*)

2. The flat known as [insert address] is part of the building

_____

"the flat"

3. The _____ Council is satisfied that the flat is unfit for human habitation by reason of the defective condition of a part of the building outside the flat as described in Schedule 1 to this notice.

4. The Council, having had regard to the guidance given by the Department for Social Development under Article 62 of the Private Tenancies (Northern Ireland) Order 2006, ("the Order") and having consulted the Executive in accordance with Article 21 of the Order, is satisfied that the most satisfactory course of action is the service of a notice of unfitness under Article 18 of the Order.

5. In the opinion of the Council the works specified in Schedule 2 to this notice ("the works") will render the flat fit for human habitation.

6. Under Article 18 of the Order the Council requires you to carry out the works and to complete them within the period of _____ of the date of service of this notice.

Signed .....

(For and on behalf of the Council)

Date .....

Schedule 1

In the opinion of the Council, the building outside the flat fails to meet the following requirements of Article 46 of the Housing (Northern Ireland) Order 1981—

and by reason of that failure, the flat is not reasonably suitable for occupation.

Schedule 2

Specification of works to be carried out

[Date and signature]

NOTES

Definition of owner

For purposes of Part III of the Private Tenancies (Northern Ireland) Order 2006 "the owner" in relation to a dwelling-house or building means the person who for the time being receives or is entitled to receive the rent of the dwelling-house or building, whether on his own account or as agent or trustee for any other person.

(Article 15)

Right of Appeal

If you do not agree with this notice you may appeal against it to the county court but you must do this within 21 days after this notice is served on you.

(Article 22)

Operative date of notice

If there is no appeal the notice will become operative at the end of 21 days from the date it is served.

If there is an appeal and the county court confirms the notice, it will not become operative until the period for appealing to the Court of Appeal expires without such an appeal being brought. If there is such a further appeal, the notice will not become operative until it is confirmed by the Court of Appeal.

If you start an appeal and then withdraw it, the notice will become operative on the day on which it would have become operative if the county court or Court of Appeal had confirmed the notice, order or decision against which the appeal was brought, on the day on which you withdrew your appeal.

(Article 23)

Penalty

If you fail to comply with this notice within the period specified in this notice or, where the notice has been varied on appeal, such other period as the court may specify on the final determination of the appeal ("the appropriate period") you commit an offence punishable in the magistrate's court by a fine not exceeding level 4, currently [£2,500], on the standard scale.

(Articles 24 and 68)

Enforcement

If you do not comply with this notice within the appropriate period the Council may do the works itself and charge you the costs. These costs, together with interest from the date when a demand for the expenses concerned has been served, may be recovered as a civil debt and will be considered a mortgage against the property in question, enforceable under the Conveyancing Act 1881 and registered in the Statutory Charges Register.

(Article 25)

Grant

You may be entitled to a discretionary grant towards the cost of the works from the Northern Ireland Housing Executive. You should contact the Housing Executive about the possibility of obtaining grant aid.

County Court

If you decide to appeal you will need to apply to your local county court. You can find the address and telephone number in the telephone directory under "Northern Ireland Court Service".

Further information

If you do not understand this notice or wish to know more about it you should contact the Council. If you would like independent advice or information on your rights and obligations you should contact a solicitor, or Housing Rights Service (telephone number (028) 90245640), or Advice NI, (telephone number (028) 90645919) which will be able to give you details of your local independent advice centre, or your local Citizens Advice Bureau (see the telephone directory for details).

FORM 10A

[*Insert name and address of district council*]

Notice of Disrepair

The Private Tenancies (Northern Ireland) Order 2006 Article 19(1)

To _____ of _____

1. You are the owner of the dwelling-house known as

[*insert address*]

_____

_____

("the premises")

2. The Council is satisfied that the premises, although fit for human habitation, are in such a state of disrepair that [substantial repairs are necessary to bring them up to a reasonable standard, having regard to their age, character and locality] [their condition is such as to interfere materially with the personal comfort of the occupying tenant].

3. The Council, having had regard to the guidance given by the Department for Social Development under Article 62 of the Private Tenancies (Northern Ireland) Order 2006 ("the Order"), is satisfied that the most satisfactory course of action in respect of the premises is the service of a notice of disrepair under Article 19 of the Order.

4. The reason(s) for the Council's decision to issue a notice of disrepair is/are

5. Under Article 19 of the Order the Council requires you to carry out the works specified in the Schedule and to complete them within the period of _____ of date of service of this notice.

Signed .....

(For and on behalf of the Council)

Date .....

Schedule

Specification of works to be carried out

[date and signature]

NOTES

Definition of owner

For purposes of Part III of the Private Tenancies (Northern Ireland) Order 2006 "the owner" in relation to a dwelling-house or building means the person who for the time being receives or is entitled to receive the rent of the dwelling-house or building, whether on his own account or as agent or trustee for any other person.

(Article 15)

Right of Appeal

If you do not agree with this notice you may appeal against it to the county court but you must do this within 21 days after this notice is served on you.

(Article 22)

Operative date of notice

If there is no appeal the notice will become operative at the end of 21 days from the date it is served.

If there is an appeal and the county court confirms the notice, it will not become operative until the period for appealing to the Court of Appeal expires without such an appeal being brought. If there is such a further appeal, the notice will not become operative until it is confirmed by the Court of Appeal.

If you start an appeal and then withdraw it, the notice will become operative on the day on which it would have become operative if the county court or Court of Appeal had confirmed the notice, order or decision against which the appeal was brought, on the day on which you withdrew your appeal.

(Article 23)

Penalty

If you fail to comply with this notice within the period specified in this notice or, where the notice has been varied on appeal, such other period as the court may specify on the final determination of the appeal ("the appropriate period") you commit an offence punishable in the magistrate's court by a fine not exceeding level 4, currently [£2,500], on the standard scale.

(Articles 24 and 68)

Enforcement

If you do not comply with this notice within the appropriate period the Council may do the works itself and charge you the costs. These costs, together with interest from the date when a demand for the expenses concerned has been served, may be recovered as a civil debt and will be considered a mortgage against the property in question, enforceable under the Conveyancing Act 1881 and registered in the Statutory Charges Register.

(Article 25)

Grant

You may be entitled to a discretionary grant towards the cost of the works from the Northern Ireland Housing Executive. You should contact the Housing Executive about the possibility of obtaining grant aid.

County Court

If you decide to appeal you will need to apply to your local county court. You can find the address and telephone number in the telephone directory under "Northern Ireland Court Service".

Further information

If you do not understand this notice or wish to know more about it you should contact the Council. If you would like independent advice or information on your rights and obligations you should contact a solicitor, or Housing Rights Service (telephone number (028) 90245640), or Advice NI, (telephone number (028) 90645919) which will be able to give you details of your local independent advice centre, or your local Citizens Advice Bureau (see the telephone directory for details).

FORM 10B

[*Insert name and address of district council*]

Notice of Disrepair

The Private Tenancies (Northern Ireland) Order 2006 Article 19(2)

To _____ of _____

1. You are the owner of the building known as

[*insert address*]

_____

_____

2. The building contains the flat known as

[*insert address*]

_____

_____

3. The _____ Council is satisfied that the building containing the flat is in such a state of disrepair that, although the flat is fit for human habitation, [substantial repairs are necessary to a part of the building outside the flat to bring the flat up to a reasonable standard, having regard to its age, character and locality] [the condition of the part of the building outside the flat is such as to interfere materially with the personal comfort of the occupying tenant].

4. The Council, having had regard to the guidance given by the Department for Social Development under Article 62 of the Private Tenancies (Northern Ireland) Order 2006 ("the Order"), is satisfied that the most satisfactory course of action is the service of a notice of disrepair under Article 19 of the Order.

5. The reason(s) for the Council's decision to issue a notice of disrepair is/are

6. Under Article 19 of the Order the Council requires you to carry out the works specified in the Schedule and to complete them within the period of _____ of the date of service of this notice.

Signed .....

(For and on behalf of the Council)

Date .....

Schedule

Specification of works to be carried out

[date and signature]

NOTES

Definition of owner

For purposes of Part III of the Private Tenancies (Northern Ireland) Order 2006 "the owner" in relation to a dwelling-house or building means the person who for the time being receives or is entitled to receive the rent of the dwelling-house or building, whether on his own account or as agent or trustee for any other person.

(Article 15)

Right of Appeal

If you do not agree with this notice you may appeal against it to the county court but you must do this within 21 days after this notice is served on you.

(Article 22)

Operative date of notice

If there is no appeal the notice will become operative at the end of 21 days from the date it is served.

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If you start an appeal and then withdraw it, the notice will become operative on the day on which it would have become operative if the county court or Court of Appeal had confirmed the notice, order or decision against which the appeal was brought, on the day on which you withdrew your appeal.

(Article 23)

Penalty

If you fail to comply with this notice within the period specified in this notice or, where the notice has been varied on appeal, such other period as the court may specify on the final determination of the appeal ("the appropriate period") you commit an offence punishable in the magistrate's court by a fine not exceeding level 4, currently [£2,500], on the standard scale.

(Articles 24 and 68)

Enforcement

If you do not comply with this notice within the appropriate period the Council may do the works itself and charge you the costs. These costs, together with interest from the date when a demand for the expenses concerned has been served, may be recovered as a civil debt and will be considered a mortgage against the property in question, enforceable under the Conveyancing Act 1881 and registered in the Statutory Charges Register.

(Article 25)

Grant

You may be entitled to a discretionary grant towards the cost of the works from the Northern Ireland Housing Executive. You should contact the Housing Executive about the possibility of obtaining grant aid.

County Court

If you decide to appeal you will need to apply to your local county court. You can find the address and telephone number in the telephone directory under "Northern Ireland Court Service".

Further information

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FORM 11

Notice of increase in rent of a controlled tenancy

The Private Tenancies (Northern Ireland) Order 2006 Article 49

To **(1)** ..... tenant of **(2)** .....

I hereby give notice that the rent lawfully recoverable from you as tenant of the above-mentioned premises will be increased from **(3)** ..... by £ ..... per .....

The new rent payable will therefore be £ ..... per ..... but see Note 4.

Name of **(4)** landlord/agent .....

Signature of **(4)** landlord/agent .....

Address of **(4)** landlord/agent .....

(1) Insert name of tenant

(2) Insert address of tenant

(3) Insert date from which increase is to take effect (see Note 3)

(4) Delete whichever is inappropriate

NOTES

(1) This notice of increase is for a controlled tenancy under the Private Tenancies (Northern Ireland) Order 2006.

(2) This notice must be issued to increase the rent payable up to the rent limit where the amount currently paid is less than this amount. The rent limit is:

(a) the rent registered by the Rent Officer for Northern Ireland; or

(b) where no rent is registered, the maximum amount payable under the Rent (Northern Ireland) Order 1978 prior to the commencement of the Private Tenancies (Northern Ireland) Order 2006.

(3) The date specified in this notice for the increased rent must not be earlier than 4 weeks after service of this notice.

Assistance to pay rent

(4) Assistance is available for tenants who find difficulty in paying their rent (and rates). Further details can be obtained from any local office of the Northern Ireland Housing Executive, or, if you qualify for Income Support, from your local social security office.

SCHEDULE 3 — Regulation 3

Particulars to be contained in the Register of Rents — Article 46(3)

1. Address of Dwelling-house
2. District Council
3. House type
   (i.e. detached, semi-detached, terraced, flat in 2 storey block, other flat)
4. Date of construction
5. Rental period covered
   (i.e. Weekly/ Monthly/Quarterly)
6. Certificate of fitness issued/date (if applicable)
7. Notice of refusal/date (if applicable)
8. Name of tenant
9. Name and address of landlord
10. Name and address of agent (if any)
11. Appropriate Rent
12. Protected or statutory tenancy? (*yes or no*)

EXPLANATORY NOTE

(This note is not part of the Order)

These regulations, which revoke the Rent (Forms etc.) Regulations (Northern Ireland) 1983, prescribe the forms to be used for the purposes of the Private Tenancies (Northern Ireland) Order 2006.

Schedule 1 to the regulations gives a list of the forms which are specified in detail in Schedule 2. Schedule 3 specifies the information to be contained in the register of rents.

The forms contained in Schedule 2 specify the format to be used by landlords, tenants and district councils in relation to applications for fitness inspections. They also specify the format to be followed by district councils in relation to a certificate of fitness, notice of refusal, notice of unfitness, notice of disrepair and by the rent officer in relation to the registration of rents. Also specified is the form to be used by a rent assessment committee when requesting information and the form to be used in relation to rent increases and further determinations of the rents of controlled tenancies.

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