

<b>Report on</b>	Department for Communities - (Private Tenancies Order) Regulation Activity - 2016/17 .
<b>Reporting Officer</b>	Fiona McClements
<b>Contact Officer</b>	Fiona McClements

<b>Is this report restricted for confidential business?</b>	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To inform members of correspondence received from the Department for Communities on the Analysis of PTO Activity 2016/17 by Environmental Health Departments.
<b>2.0</b>	<b>Background</b>
2.1	Environmental Health Departments in each Council provide information to the Department on a quarterly basis on actions taken in relation to their functions under the Private Tenancies (Northern Ireland) Order 2006. The information provided details action taken in relation to housing fitness (Annex A) and court/enforcement action (Annex B) during the periods 1 <sup>st</sup> April 2016-31 <sup>st</sup> March 2017.
<b>3.0</b>	<b>Main Report</b>
3.1	<p>The Private Tenancies (NI) Order 2006 concerning the private rented sector includes a requirement from 1<sup>st</sup> April 2007 for landlords of older housing stock (Pre 1945) to apply to the local Authority to have a privately rented dwelling house inspected and obtain a Certificate of Fitness. The main features of the legislation concern the obligations of landlord and tenants, unfitness and disrepair and general amendments to the Rent (NI) Order 1978.</p> <p>The Order sets out the provisions and enforcement powers District Councils have available, to issue notices of unfitness and notices of disrepair in respect of dwelling houses let under private tenancies. These provisions include requiring the owner of an unfit house to carry out work to make it fit for human habitation and to tackle serious disrepair falling short of unfitness. The standard of fitness used currently by councils is found in the Housing (NI) Order 1981.</p> <p>If the Council is not satisfied that the dwelling house meets the fitness standard for human habitation it will issue the landlord with a notice of refusal of his application. This notice will state the reasons for refusal and will also indicate the works necessary for the house to meet the fitness standard and the time scale in which it must be done. In all cases these tenancies will be subject to rent control until the dwelling is brought up to standard and a certificate of fitness is issued.</p> <p>Where the council considers that whilst a property is not unfit for human habitation but substantial repairs are required to bring the property up to a reasonable standard bearing in mind the property's age, character and locality or that the condition of the property is such that it interferes materially with the comfort of the tenant, the council can serve a notice of disrepair on the owner of the property. The notice will specify the work required and the timescales to complete it.</p> <p>The offence of unlawful eviction and harassment of a tenant is contained in the Rent (NI) Order 1978 and proceedings may be instigated by the district council for offences in this regard.</p>

	<p>Since the 2006 Order there has been changes and the introduction of new legislative requirements to include the Tenancy Deposit Schemes Regulations and The Landlord Registration Scheme Regulations.</p> <p>Failure to protect a tenancy deposit or provide the relevant information on the tenancy deposit protection to tenants from 1<sup>st</sup> April 2013 is an offence and subject to a fixed penalty notice or legal proceedings.</p> <p>From 25<sup>th</sup> February 2014 it is an offence for a landlord to fail to register if letting a dwelling house under a private tenancy, to provide false information for the purposes of registration and/or to fail to provide evidence of registration in prescribed circumstances. Offences of this nature can be dealt with issuing fixed penalty notices or legal proceedings.</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<p><b><u>Financial &amp; Human Resources Implications</u></b></p> <p>None</p>
<b>4.2</b>	<p><b><u>Equality and Good Relations Implications</u></b></p> <p>None</p>
<b>4.3</b>	<p><b><u>Risk Management Implications</u></b></p> <p>None</p>
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	That Members take note of the correspondence sent by the Department for Communities outlining actions taken by Councils in relation to their functions under the Private Tenancies Order.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Communication received from the Department for Communities on the Analysis of PTO Activity 2016/17 Year.



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Date 25 October 2017

Dear Chief Executive

**Private Rented Sector - Impact of the Private Tenancies (NI) Order 2006**

Environmental health departments in each Council provide information to the Department on a quarterly basis on action taken in relation to their functions under the Private Tenancies Order. Please find attached a summary of the information for the year 2016-17.

**Annex A** details action taken in relation to housing fitness during the periods 01 April 2016 - 31 March 2017. **Annex B** gives a summary of the court/enforcement action taken in the 2016-17 year.

In summary

- Armagh Banbridge & Craigavon Council convicted 1 landlord of unlawful eviction.
- Ards & North Down successfully convicted one agent on 5 cases for failing to protect tenancy deposits.
- Fixed penalties issued by Fermanagh & Omagh, Lisburn & Castlereagh and Belfast in respect of Tenancy Deposits
- Fixed penalties issued by Belfast, Ards & North Down and Armagh Banbridge & Craigavon in respect of non-compliance of the Landlords Registration scheme.

The Department would like to take this opportunity to thank the Councils for their commitment to complete this information which is important to ensure the success of the private rented sector.

Yours sincerely

A handwritten signature in black ink, appearing to read "Eilish O'Neill".

Eilish O'Neill  
cc Chief Environmental Health Officer

## Annex A

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## **Annex B**

### **Article 60 ( Unlawful eviction)**

#### **Armagh Banbridge & Craigavon (Quarter 4 Jan – March 2017)**

1 landlord taken to court. Fined £750 (£250.00 per offence) Offender Levy £15.00 legal Costs £300 (capped) Disbursements £92.00, Total £1157.00. Given 20 weeks to pay.

### **Tenancy Deposits Article 68a**

#### **Quarter 1**

##### **Ards & N Down**

5 Cases against 1 agent taken to court for failing to protect a tenancy deposit –

- Case 1 - Deposit paid 8/7/14 of £575 - Fixed penalty notice (FPN) served 3/12/15 was £1725. Judge fined £2250, ordered £575 compensation paid to tenant, £15 offender levy, £200 costs and £50 Service Fees.
- Case 2 Deposit Paid £995 28/1/14 FPN served 3/12/15 £2985. Fined £6000, ordered to pay tenant £995 compensation. £15.00 offender levy, £200 costs £44 service fees.
- Case 3 Deposit paid 16/5/15 £575, FNP served 3/12/15 returned by R Mail, re-served 5/01/16 returned but successfully served 8/2/16. Judge fined £2250, £575 compensation to tenant, £15 offender levy, £200 costs and £25 service fees.
- Case 4 Deposit Paid 24/09/13- £500. FPN issued successfully 8/02/16 £1500, Fined £2250, £500 compensation to tenant, £15 offenders levy, £200 costs and £25 service fees.
- Case 5 Deposit paid £500 14/5/16. FNP issued 8/2/16 - £1500. Fined £2250 ordered £500 compensation to tenant, £15 offender's levy, £200 costs and £25 service fees.

##### **Fermanagh & Omagh**

1 Fixed penalty issued on landlord for failing to secure deposit £1350 money received.

##### **Lisburn & Castlereagh**

2 fixed penalty notices have been issued on landlord for failing to secure deposit. £1200 money received in respect of this.

### **Quarter 3**

Belfast issued 3 fixed penalty notices for failing to protect the deposit in Quarter 3 (one withdrawn) - no money received yet.

### **Quarter 4**

Belfast issued 1 fixed penalty for failing to protect the deposit, no money received yet for this.

£1500 was received in money for a fixed penalty issued in Quarter 3

1 landlord is being taken to court – case not heard yet.

### **Landlord Registration Scheme**

Q1 – Ards & North Down – 1 fixed penalty issued. £500 received –

Belfast 4 fixed penalties issued - £500 received. –

Armagh, Banbridge & Craigavon – 1 landlord issued with 1 fixed penalty. Was withdrawn from court as landlord paid £500 fixed penalty, £136 legal costs in December 2016.

### **Quarter 2**

Ards & North Down 1 Fixed penalty issued, £500 received.

Belfast – 1 fixed penalty issued twice on landlord, no money received and landlord has now sold property – no further action taken.

### **Quarter 3**

Belfast – 1 fixed penalty issued, no money received, summons for non-payment issued July 17 – case adjourned on 5/9/17.