



**South West London**  
**Law Centres**

## Tips for gathering evidence

Repairs, Major Works, Fire & Building Safety

# EIRC

**E**

Evidence

**I**

Identify

**R**

Report

**C**

Connect

# Disrepair V Repairs

# The importance of proof

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- Dani lives in a ground floor flat. The estate Dani lives in has a communal heating system.
- The heating system breaks A LOT
- Dani wrote down every time the heating system broke down, how long for, how it impacted her, who she reported it to and what was said. She bought her-self a diary and kept all this information
- Dan was given a plug-in heater by her local authority landlord which caused her electric bills to rocket. Every time she topped up her electric, she kept her receipts and was able to demonstrate the increase in electric bills during communal heating breakdowns

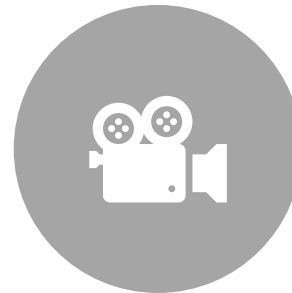
- Qualifying repairs under the *right to repair* scheme for tenants.
- It can not be used if the landlord has fewer than 100 properties
- is not legally responsible for the repair
- decides the repair would cost more than £250

Repair type	Response time(working days)
Total loss of electric power	1
Partial loss of electric power	3
Unsafe power or lighting socket or electrical fitting	1
Total loss of water supply	1
Partial loss of water supply	3
Total or partial loss of gas supply	1
Blocked flue to open fire or boiler	1
Heating or hot water not working between 31 October and 1 May	1
Heating or hot water not working between 1 May and 31 October	3
Blocked/leaking foul drain, soil stack or toilet	1
Toilet not flushing (if there is only one toilet in the property)	1
Blocked sink, bath or basin	3
Tap cannot be turned	3
Leak from a water pipe, tank or cistern	1
Leaking roof	7
Insecure external window, door or lock	1
Loose or detached banister or hand rail	3
Rotten timber flooring or stair tread	3
Door entry phone not working	7
Mechanical extractor fan not working	7

# How to record the level of disrepair...



Take photos – what makes a good photo. Showing where the issue is in relation to other things ie: is it by a bed or a cot?



Take videos



Organise a public meeting where you live to hear if it is affecting neighbours



Take statements from household members

# Evidence for a legal case:



\*Ked lives in the same block as Dani he is a Leaseholder and is disputing the bills he was receiving for a communal heating system that didn't work and wasn't managed properly.



Ked took the local authority freeholder to court. He had charges for some of the work refunded and some of the costs for heating and hot water refunded.

# When you are putting together your legal case

- Sometimes things aren't resolved in **Stage 1 or Stage 2** of your landlords internal complaint process. You should continue onto the Housing Ombudsman as this should not affect your legal case.
- Record everything. Every conversation you have regarding your disrepair. Who you spoke to, where they were from, what time and what date, what was said.
- Record the disrepair. What happened, what time and date, how it impacted you – ie: did not having hot water mean that you could not have a shower and you have a health condition where you need to have a shower.



- Sometimes it will be important to get legal advice. You can get legal advice from a Citizens Advice Bureau. Your local Law Centre may be able to help. Check [www.lawcentres.org.uk](http://www.lawcentres.org.uk)
- You might be entitled to **legal aid** – legal aid *is payment from public funds allowed, in cases of need, to help pay for legal advice or proceedings.* Check if you are eligible here: <https://www.gov.uk/check-legal-aid>
- If you have a court hearing for an eviction you may be able to make a disrepair counter claim for the disrepair
- There are also No Win, No Fee solicitors – some of these take a high % of win. You can visit [www.advicelocal.uk](http://www.advicelocal.uk)

- Gather medical evidence. If you or anyone in your household has a health condition, get evidence. Has it got worse? Has it been made worse by your housing conditions?
- How has the disrepair affected your health – you could keep a diary
- Have you tried to report the issues but weren't able. If you did not know how to report it, record that as that can also be useful to your Housing Ombudsman complaint
- Has anyone come to your property to fix the issue – document what happened. Take pictures before and after.
- Has anything in your property been damaged as a result of the disrepair? Take pictures. Keep receipts of anything that was damaged or was fixed.

# Other things that are useful for your case..

- (a) a copy of the tenancy agreement including the tenancy conditions;
- (b) the tenancy file;
- (c) any documents relating to notice of poor housing conditions given, including copies of any notes of meetings and oral discussions;
- (d) any inspection reports or documents relating to works required to the property; and
- (e) any computerised records.

	Number	Tick as appropriate	What is the issue?	Notice Given (how did was the landlord made aware of the issue)	Inconvenience suffered (how has it affected you)	Anything damaged?	Any cost incurred? le: use of plug in heater
Exterior of premises, roof, access,							
Entrance, hall, storage							
Living room (s)							
Bathroom							
Toilet							
Bedroom 1							
Bedroom 2							
Bedroom 3							
Other?							

	ITEM	DATE PURCHASED	WHERE PURCHASED	PRICE	RECEIPTS – YES/NO	HOW DAMAGED
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

**SPECIAL DAMAGES FORM**



# Law is one tool



Gathering evidence of your disrepair isn't just useful for taking legal action. It can bring change.



You should escalate complaints and go through the Housing Ombudsman



You can speak to journalists



You can submit evidence to your MP



You can submit your evidence to committees

# Other useful links

- <https://www.advicenow.org.uk/articles/dealing-poor-housing-conditions-and-repair>
- [https://england.shelter.org.uk/housing\\_advice/repairs/legal\\_action\\_if\\_your\\_landlord\\_wont\\_do\\_repairs](https://england.shelter.org.uk/housing_advice/repairs/legal_action_if_your_landlord_wont_do_repairs)
- [https://england.shelter.org.uk/professional\\_resources/legal/housing\\_conditions/legal\\_remedies\\_for\\_disrepair/social\\_housing\\_tenant\\_rights\\_to\\_repair](https://england.shelter.org.uk/professional_resources/legal/housing_conditions/legal_remedies_for_disrepair/social_housing_tenant_rights_to_repair)