Mile End Hospital

The Bridge (Block 1)

Community Childrens Nursing Team

Bancroft Road

London

E1 4DG

0759199962

**Landlord name**

**Address**

Dear landlord/ whom it may concern

URGENT- DO NOT IGNORE

I have asked \_\_\_\_\_\_’s family to this pass this letter on to you as I have concerns that the conditions of their property is having a negative impact on their health and as the landlord you have a duty to take appropriate action.

\_\_\_\_\_\_ has a diagnosis of asthma/wheeze. They also have severe allergic rhinitis and eczema. It is my belief that the family’s current housing situation is significantly contributing to their health condition(s) and the amount of medication they are requiring to control them.

We are very concerned that the property is contributing to this child’s asthma/wheeze episodes, increasing the frequency of their attacks, which could lead to a severe life-threatening asthma attack. Due to their ongoing exposure to environmental triggers in their home, we are unable to adequately control their symptoms with the medication we are prescribing.

**Section 11 of the Landlord and Tenant Act 1985 states** that landlords have a duty to 'keep in repair: the structure and exterior of the dwelling, including drains, gutters, and external pipes. To keep in repair and proper working order the instillation in the dwelling of the supply or water, gas, electricity and for sanitation. This includes drains, sink, baths and sanitary convenience and to keep in repair and proper working order the installation in the dwelling for space heating and heating water.'

You are also bound to comply with any other repairing term as set out in the tenancy agreement.

There is also an implied term that tenants can expect their homes ‘to be fit for human habitation’, which means that it's safe, healthy and free from things that could cause anyone in the household serious harm. This is from when the tenancy is granted, and for the duration of the tenancy. This Act also puts obligation on the landlord to ensure tenants are able to ventilate the property effectively.

The issue when determining unfitness for human habitation is whether a property is 'not reasonably suitable for occupation in that condition' because of one or more of the following factors:

* repairs
* freedom from damp
* internal arrangement
* natural lighting
* ventilation
* water supply
* drainage and sanitary conditions
* stability
* facilities for preparation and cooking of food and for the disposal of waste water
* any ‘prescribed hazard’ – this is defined as any matter or circumstance amounting to a category 1 or 2 hazard under the Housing Health and Safety Rating System (HHSRS)

Where a property is shown to be 'not reasonably be suitable for occupation’, the tenant may take court action for breach of contract on the grounds that the property is unfit for human habitation. The tenant can apply for an order for specific performance requiring the landlord to reduce or remove unfitness and to claim damages.

The tenant is also entitled to report the matter to the council’s Environmental Health Officer (EHO). They have powers to inspect the Property and take action against the landlord to carry out repairs, if they consider there is a ‘statutory nuisance’ because the property is prejudicial to health.

We consider that due to (set out the specific disrepair/hazard) the property is not reasonably suitable for occupation in that condition. We also consider that there is a breach of your repairing duties under s11 Landlord and Tenant Act.

\_\_\_\_\_\_ has a right to live in a property that is not detrimental to their health. Please treat this letter as notice of the unfitness at the Property and to take action to rectify the unfitness by carrying out necessary repairs as soon as possible. **Please contact the family within 7 days of receipt of this letter and confirm what steps you will be taking.** If you would like to inspect the property please contact the family to arrange access.

Should you fail to respond to this letter or take reasonable action we will assist the family to approach specialist legal advisors and in contacting the local council to enforce the duties owed.

Yours faithfully