

IMPORTANT

This leaflet is only a general guide. It is not a complete statement of the law. If you want to know more about your rights, you should get advice from a solicitor or your local Citizen Advice Bureau. Your landlord may also be able to help.

WHAT IS THE RIGHT TO REPAIR?

From 30 September 2002, under the Housing (Scotland) Act 2001, Scottish secure tenants and short Scottish secure tenants have the right to have small urgent repairs carried out by the Association within a given timescale. This is called the Right to Repair scheme.

The Right to Repair scheme applies to all tenants of local authorities, housing associations and water and sewage authorities.

WHAT REPAIRS COME UNDER THE RIGHT TO REPAIR SCHEME?

The scheme covers certain repairs up to the value of £350. These repairs are known as "qualifying" repairs. They include:

- Unsafe power or lighting sockets or electrical fittings;
- Loss or part loss of electrical power;
- Loss or part loss of gas supply;
- A blocked flue to an open fire or boiler;
- External windows, doors or locks which are not secure;
- Loss or part loss of space or water heating if no alternative heating is available;
- Toilets which do not flush (if there is no other toilet in the house);
- Blocked or leaking foul drains, soil stacks or toilet pans (of there is no other toilet in the house);

- A blocked sink, bath or basin;
- Loss or part loss of water supply;
- Significant leaking or flooding from a water or heating pipe, tank or cistern;
- Unsafe rotten timber flooring or stair treads;
- Unsafe access to a path or step;
- Loose or detached banister or handrails; and
- A broken mechanical extractor fan in a kitchen or bathroom which has no external window or door.

The Association will be able to tell you if a repair you need is included in the scheme. They will also let you know:

- The maximum time the repair must be done in; and
- How they deal with repairs that are not covered by the scheme.

WHAT HAPPENS WHEN I REPORT A REPAIR?

When you report a repair, the Association will let you know whether it is their responsibility and whether it is a qualifying repair under the Right to Repair scheme. The Association may need to inspect your home to find out whether the repair is a qualifying repair or not.

If the repair does qualify under the scheme, the Association will:

- Tell you the maximum time allowed to carry out the repair;
- Tell you the last day of that period;
- Explain your rights under the Right to Repair scheme.
- Give you the name, address, telephone number of their usual contractor and at least one other contractor from a list; and

- Make arrangements with you to get into your home to carry out the repair.

HOW LONG DOES MY LANDLORD HAVE TO CARRY OUT THE REPAIR?

Repair times depend on the type of repair. If your toilet is not flushing, the Association usually has one working day to come and repair it. But we have three working days to mend a loose banister rail and seven working days to mend a broken extractor fan in your bathroom or kitchen. These times are set by law, not by the Association. Sometimes there may be circumstances which the Association or the contractor has no control over which make it impossible to do the repair within the maximum time (for example, severe weather). In these circumstances, the Association may need to make temporary arrangements to extend the maximum time. If we are going to do this, we must let you know.

WHAT HAPPENS IF THE WORK IS NOT DONE IN TIME?

If the Association's usual contractor does not start the qualifying repair within the time limit set, you can tell another contractor from our list carry out the repair. You cannot use a contractor who is not on our approved list. The other contractor will then tell the Association that you have asked them to carry out the repair. The Association will then pay you £15 compensation for the inconvenience. If the Association's main contractor has started but not completed the repair within the maximum time, you will also be entitled to £15 compensation.

HOW LONG DOES THE OTHER CONTRACTOR HAVE TO COMPLETE THE REPAIR?

The other contractor has the same length of time to carry out the repair as the Association's main contractor. If they do not carry out the repair within the time limit set, you will be entitled to another £3 compensation for each working day until the repair has been completed. This amount can add up to a maximum compensation payment of £100 for any one repair.

WHAT IF THERE IS NO OTHER CONTRACTOR AVAILABLE?

In this case, the Association's main contractor will carry out the repair but you will still be entitled to the £15 compensation payment.

WHAT HAPPENS IF I AM OUT WHEN THE CONTRACTOR CALLS TO CARRY OUT THE REPAIR?

If the contractor cannot get into your home at the time you have agreed with the Association, your right to repair will be cancelled. You will then have to re-apply and start the process again.

WHO PAYS FOR THE REPAIR?

The Association pays for the repair. If you have told another contractor to carry out the repair, the contractor should send the bill direct to the Association.

HOW CAN I FIND OUT MORE?

Contact the Association on the numbers detailed in this leaflet or you can contact the Scottish Government at;

Social Housing Division
Area 1-H
Victoria Quay
Edinburgh
EH6 6QQ
T: 0131 244 5401

E: housing.information@scotland.gsi.gov.uk

This document can be made available in various formats, for example, in larger print, audio-format and Braille. It can also be made available in other languages, as appropriate.



RIGHT TO REPAIR

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