Housing Rights

https://www.housingrights.org.uk/housing-advice/private-tenants-rights/tenancy-rights

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Tenancy rights

This information is for people renting privately in Northern Ireland.

Types of tenancies

It’s important to know what kind of tenancy you have. You have different rights depending on your tenancy type. But all private tenants have the right to the ‘quiet and peaceful enjoyment’ of their home.

It is the terms of your agreement that determine what kind of tenancy you have, not the name of the agreement.

Speak to our advisers if you’re not sure what kind of tenant you are.

Your tenancy type may change over time and not match what your agreement says. Housing Rights has a free mediation service for tenants and landlords in the private rented sector. Mediation can help to resolve disputes over the terms of your agreement.

Your right to quiet and peaceful enjoyment of your home

As a tenant, you have the right to the quiet and peaceful enjoyment of your home. This means your landlord (or anyone acting on their behalf) cannot enter your home without your permission.

Your tenancy agreement should state when your landlord can enter your home. For example, to carry out a repair or an inspection. The exception to this is in the case of an emergency, e.g. a fire, gas leak, or frozen pipe.

Your landlord should:

- explain why they need access
- propose a suitable time and date
- give you at least 24 hours' notice
- wait for you to confirm that this is suitable

If your landlord enters without your permission, it could amount to harassment.

You should not unreasonably withhold permission for your landlord to enter the property. It is in your best interests to allow the landlord to enter to do repairs or to check the condition of the property.

If you do unreasonably withhold permission, you may breach your tenancy agreement. This could lead to your landlord:

- serving you with a notice to quit or
- seeking an injunction from the court instructing you to give them access

If you are in dispute with your landlord about access, **our mediation service** may be able to help.

As a private tenant, you might be interested in taking part in Renters' Voice. Renters' Voice is supported by Housing Rights. It's a group of people who rent privately in Northern Ireland that works to influence landlords, politicians, and government to make private renting better for everyone.

Fixed term or periodic tenancy

Fixed term tenancies have a start and end date. Check your tenancy agreement to see when your tenancy ends. You must keep to your agreement for the entire term. It's sometimes called a fixed term agreement.

In most cases, at the end of the fixed term either:

- you may sign a new tenancy agreement with your landlord which will have another fixed term or
- the tenancy will become a periodic tenancy

Periodic tenancies do not have a set end date. If you pay a month's rent, that is how long your tenancy is for. It's sometimes called a 'rolling' or 'month-to-month'

tenancy. It continues until either:

- the landlord ends the tenancy by following the correct process or
- the tenant ends the tenancy

Tenant, licensee or subtenant

Not everyone who pays rent to a landlord is a tenant. Tenants, licensees and subtenants all have different rights. Tenants have more rights than licensees and subtenants.

Tenants typically:

- pay rent to their landlord at regular times
- have a contract saying how long the tenancy will last
- are entitled to notice from their landlord to enter the tenant's home (or room)
- are entitled to written notice to quit from their landlord

Licensees typically:

- rent a room in their landlord's home
- get extra services from their landlord such as cleaning, cooking or laundry
- are not entitled to notice from their landlord to enter the tenant's home (or room)
- do not get a written notice to quit from their landlord
- cannot make changes to their space

Examples of licensees include, if you live:

- in student halls of residence
- in temporary housing, such as a hostel
- with friends or family and do not have a written agreement
- in housing your employer provides and you'll lose your home if you lose your job

A lodger rents a room in a property they share with their landlord. A lodger can be a tenant or a licensee. It depends on the practical arrangements in place, not only what is in the contract.

Make sure to check your agreement. Even if it's called a licence agreement, or refers to you as a licensee, what matters are the actual terms. You could be a

tenant, which means you have more rights. Speak to an adviser if you're not sure whether you're a licensee or tenant.

Subtenants typically:

- rent from someone who is a tenant
- are in shared housing

For example, a landlord rents out a property to one person and that tenant sublets a room in the property to you.

As a subtenant, you have the same rights as the tenant. Your rights end when the tenant moves out. If you rent from a tenant, make sure they have permission from the landlord to rent to subtenants. If they do not have permission and the landlord evicts them, you'll be evicted too.

Protected tenancy

If you're a protected tenant:

- the amount of rent you have to pay will be limited by the Rent Officer. This means that your landlord cannot increase the rent when they want to
- you cannot be evicted as easily as most private tenants
- you may be able to pass on your tenancy when you die

Most tenancies are not protected. Since 1 April 2007, no new protected tenancies have been created. It can be difficult to work out if you're a protected tenant.

You may be a protected tenant if:

- you moved into the property before 1 April 2007
- your home was built or converted for letting before 1956
- your home was first rented out before 1978
- a tenant was living in the property in October 1978

You can check the Rent Register to see if you are in a protected tenancy. Speak to our advisers if your home is not on the Rent Register and you think it is a protected tenancy.

Inheriting a protected tenancy

If a protected tenant dies, they may be able to pass the tenancy on to a:

- spouse or
- civil partner.

If there isn't a surviving spouse or civil partner, then a family member may inherit the tenancy. In all cases, they must have been living at the property with the tenant for at least six months prior to they death.

If you are a protected tenant and your landlord is trying to evict you, speak to our advisers or a solicitor.

What happens when a tenant dies

If a tenant has passed away, you may be unsure about what happens to their tenancy and belongings.

A tenancy is part of a person’s estate. If someone dies while a private tenant:

- their tenancy and belongings will pass to their personal representative
- rent will need to be paid until the tenancy comes to an end

The tenant’s personal representative will be responsible for handling their estate. The tenant's estate is everything they leave behind when they die. A personal representative is:

- an executor or administrator of the estate
- can be a family member or friend

Rent will continue to be due until the tenancy ends. The personal representative can:

- decide to surrender the tenancy (rent will no longer be due)
- make arrangements for the tenant’s belongings
- decide who to allow to enter the property
- arrange for the return of the deposit (minus reasonable deductions)
- take over the tenancy if they choose

The landlord or estate agent cannot:

- enter the property without permission
- throw away the tenant’s belongings
- relet the property if the current tenancy has not ended. It can only be ended by surrender or by the correct legal process

- change the locks

Get advice if this has happened.

The local council will have an environmental health department. They can investigate illegal eviction and harassment in private tenancies.

Repairs for private tenants

You can find information on this here.

Problems with neighbours

You can find information on this in our antisocial behaviour section.

More advice

- Finding a private rental
- Ending a private tenancy
- Deposits, rent and fees