

Factsheet 35

Tenancy rights - rent

July 2024

About this factsheet

This factsheet has information about what your landlord can charge you in rent, depending on the type of tenancy you have. It briefly covers rent arrears and rights against eviction, with more detailed information available in factsheet 68, *Preventing evictions*.

The following resources may also be helpful:

FS8 *Council and housing association housing*

FS63 *Finding private rented accommodation*

IG08 *Housing options*

The information in this factsheet is correct for the period July 2024 to June 2025. However, rules and guidance sometimes change during the year.

The information in this factsheet is applicable in England. If you are in Wales, Scotland, or Northern Ireland, please contact Age Cymru, Age Scotland or Age NI for applicable information. Contact details can be found at the back of this factsheet.

Contact details for any organisation mentioned in this factsheet can be found in the *Useful organisations* section.

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1 Recent developments

The *Renters (Reform) Bill* was introduced to Parliament in May 2023. It planned to end the use of rent review clauses in relevant tenancies and require the use of a specific procedure to increase rent for many private tenancies, once every 12 months.

Following the announcement of a General Election for 4 July 2024, this bill ran out of time to pass into law before the end of the parliamentary session.

2 Introduction

Different tenants have different rights around rents. You may be able to get a '*fair rent*' set for your property, challenge the amount of rent you are paying, or challenge a rent increase proposed by your landlord.

Generally, your rights depend on who your landlord is, i.e. private landlord, housing association, or the council. If you are a private or housing association tenant, your tenancy type is also important.

You can usually work out your tenancy type by checking your tenancy agreement. If unsure, use the '*tenancy checker*' tool on Shelter's website or seek further advice from a specialist

In most cases, if you disagree with the rent set, you can appeal in writing to the Rent Officer. The law says an appeal should be received within 28 days of the date on the Rent Officer's decision notice, but Officers have been advised to accept appeals received within 35 days to allow for postal delays. If you miss the deadline, you must have a good reason for the delay, such as being in hospital.

If the Rent Officer accepts your appeal, they refer the case for consideration by the Tribunal. The Tribunal makes the final decision on the rent that should be set. As with rent increases, the Tribunal can set a higher rent than the Rent Officer, so seek advice before appealing.

3.2

Be prepared to provide evidence of market rents for similar properties in your area. Your referral must be received by the Tribunal before the proposed increase is due to take effect. Once a rent is set by the Tribunal, your landlord cannot increase it for a year without consent.

Note

In some cases, the Tribunal can set a higher rent than the one being proposed by your landlord, so take advice before making an application for a determination.

Periodic tenancies

Some assured tenancies are periodic from the outset. This means there was never a fixed term. If you have a periodic tenancy, there may be a term in your tenancy agreement allowing for future rent increases, in which case you have no right of referral to the Tribunal. Check your agreement to see what it says.

If there is no such term, your landlord must follow the *Housing Act 1988*

provisions (sections 16 and 17) regarding rent increases (sections 16 and 17).

To challenge your agreed rent, you must apply to the Tribunal using the correct application form.

The Tribunal only makes a decision if there are a sufficient number of

8 Rent arrears

If you fall behind on your rent, contact a local advice agency or debt charity as soon as possible. Let your landlord know you are doing this and that you will try to make up the payments as soon as possible. If your landlord is a council or housing association, ask what support they offer to help tenants deal with arrearswi

Your application must be made within 12 months of the offence. The offence must have been committed on or after 6 April 2017. Slightly different rules apply for licensing offences.

If you want to make an application against your current landlord, you

Useful organisations

The law relating to rights for tenants is complicated. This factsheet aims to give you basic information about your rights but in many cases, you may want to get more detailed advice from a specialist housing adviser.

Advicelocal

www.advicelocal.uk

An online resource that can be used to find local organisations in your area offering free and independent housing and other social welfare advice.

Citizens Advice

www.citizensadvice.org.uk

Telephone 0800 144 8848

National network of advice centres offering free, confidential advice on a wide range of issues.

Age UK

Age UK provides advice and information for people in later life through our Age UK Advice line, publications and online. Call Age UK Advice to find out whether there is a local Age UK near you, and to order free copies of our information guides and factsheets.

Age UK Advice

www.ageuk.org.uk

0800 169 65 65

Lines are open seven days a week from 8.00am to 7.00pm

In Wales contact

Age Cymru Advice

www.agecymru.org.uk

0300 303 4498

In Northern Ireland contact

Age NI

www.ageni.org

0808 808 7575

In Scotland contact

Age Scotland

www.agescotland.org.uk

0800 124 4222

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