

Landlord's Certificate

The Building Safety Act 2022 and associated regulations introduce new obligations for landlords of relevant buildings in respect of relevant defects, including the requirement to provide a landlord's certificate.

What is a relevant building?

A relevant building is a building which is at least 11 metres high or is a minimum of five storeys and in either case contains at least two residential units. The measurement must be taken from ground floor level (disregarding any basement/floors below this level) to the floor of the top storey (unless the top storey is exclusively used for housing plant and machinery, in which case this floor may also be disregarded).

Please note, an additional regime also applies if the building is at least 18 metres high or is a minimum of seven storeys (a 'higher-risk building') and we refer to our higher-risk buildings guidance in this respect [here](#).

What is a relevant defect?

A relevant defect is a defect which causes a fire safety risk or risk of collapse. The defect must have been created during the 30 year period ending 28 June 2022, but please note that works to remedy a relevant defect carried out after this date will also be covered by the legislation.

What is a landlord's certificate?

A landlord's certificate provides a leaseholder with information about the building and the landlord and in particular whether any relevant defects exist and if so, whether the leaseholder will have to contribute towards the costs of remediation through service charges or whether the landlord will be responsible for some or all of these costs.

The position is established through a series of tests or criteria, which have to be applied in order to complete the certificate. In particular, detailed information is required to establish the net worth of the landlord (and its group if a corporate entity or spouse/civil partner if an individual) as at 14 February 2022 and/or to establish whether the landlord is responsible for a relevant defect. It may also be necessary to provide documentary evidence of the position as stated in the certificate.

When is a landlord's certificate required?

A landlord's certificate must be provided when a landlord makes a service charge demand in respect of the cost of remedying a relevant defect or within four weeks of one of the following trigger events:

- Becoming aware of a relevant defect not covered by a previous landlord's certificate
- Receiving notification that a lease of a dwelling within the building is to be sold
- Being requested by a leaseholder

- Becoming aware of a new leaseholder deed of certificate containing information not included in a previous landlord's certificate

What if the landlord does not respond properly, in time, or at all?

A landlord will not be able to recover the costs of remedying a relevant defect from a leaseholder if a landlord's certificate is not provided when required, or is late or invalid.

Are there any other deadlines?

The requirements of the legislation are detailed and complex, but some of the other deadlines landlords need to be aware of include:

- Within five days of becoming aware of a sale of a flat within the building or a relevant defect, the landlord must give notice which complies with the regulations requiring that the leaseholder(s) provide a leaseholder deed of certificate
- Within one week of receiving a leaseholder deed of certificate, the landlord must provide a copy of the certificate to any resident management company, right-to-manage company or named manager in relation to the building

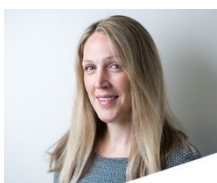
The consequences of non-compliance can prevent a landlord from recovering the costs of remedying a relevant defect.

Managing a relevant building

It is important for landlords to understand their status and potential liability under the building safety legislation, not least because a landlord has little time to prepare once a trigger event occurs. It is also worth noting that a landlord does not have to wait for a trigger event to occur before preparing the certificate.

How we can help

We can help you navigate this new and complex regime. If you need assistance please contact:



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