

Commercial Property Tenants

Your rights and responsibilities



nihe.gov.uk
03448 920 900

Housing
Executive

This booklet is intended to help you understand what being a tenant means and give information and guidance on the running of your premises.



Introduction

This leaflet is a summary and does not replace your lease. This leaflet is designed to give you the information and guidance you need on the day-to-day running of your premises. This document should be read in conjunction with your lease. If any difficulty or dispute arises in connection with your lease you should seek independent advice from a solicitor, a law centre or the Citizens Advice Bureau.

Tenant and landlord responsibilities

In general your responsibilities are:

- Pay the rent.
- Pay the business rates.
- Keep the property in good condition and repair.
- Ensure compliance with all statutory authorities including Fire, Legionella, Electrical, Health and Safety Regulations.
- Be responsible for your customers.
- Be a good neighbour by not causing annoyance.
- Undertake adequate insurance for public liability, contents and plate glass.
- Use prescribed parking bays and bin storage areas.
- Do not carry out any structural alteration to your premises without our permission.
- Do not erect aerials/antennae/dishes, extraction systems or radio receiving apparatus without our permission.

In general your landlord's responsibilities are to:

- Keep the structure of the building in good repair.
- Undertake repairs involving adjoining owners such as water ingress from decking above your property.
- Common areas such as shared staircases, fire exits, external yards, roofs, rainwater goods and drains which in the opinion of the landlord are commonly used by more than one tenant.

Alterations/improvements

- Prior to carrying out any alterations to the property, you must obtain the landlord's consent in writing. Contact the Commercial Property Manager.
- Planning Permission may or may not be required. It is your responsibility to check whether or not Planning Permission/Building Control approval is required. A certificate must be sent to the Commercial Property Manager. You are also required to send copies of any subsequent consents to the Commercial Property Manager.
- Failure to comply with the above can lead to your alterations being removed and the costs involved recharged to your tenancy.
- Prior to any minor works involving drilling, or alterations, you must consult the Asbestos Register to ensure that you are not exposing yourself, employees, agents or contractors to any hazard.

Selling your business

The lease provides you with the opportunity to assign to another party should you wish to sell your business. This process will involve the incoming tenant making a formal application to the Housing Executive.

Repairs and emergencies

This section identifies who is responsible for carrying out certain types of repair. It also tells you how to go about reporting repairs.

Please contact the commercial property department on 03448 920 900 during normal working hours.

In the case of an emergency outside of office hours you should also contact us on 03448 920 901.

The following table gives you a guide as to who is responsible for various repairs. This list is not exhaustive. If there is any doubt as to who is responsible please contact us.

Repair Type	Us	You
Services: The supply of water, gas and electricity (excluding mains services and meters), repairing or renewing defective water tanks, boilers, cylinders, supply pipes and all faulty valves and radiators.		✓
Internal and external fabric including woodwork, plasterwork, electrical wiring circuits, installations, toilet fittings, kitchen fittings including sink units, base and wall units, cupboards, plumbing/water heating installations and other fixtures and fittings provided by the Housing Executive.		✓
Repairs or refurbishment which arises through damage or negligence by the tenant.		✓
Security, including external door and window locks, door entry systems and burglar alarms, where fitted.		✓
Inspecting, and where necessary servicing annually, any gas or electricity installations.		✓
Inspecting your unit externally at regular intervals, and taking any appropriate action required.		✓
Keys - replacement of keys (and locks where keys are lost or stolen).		✓

continued overleaf

Repair Type	Us	You
Electrical installations - fuses, plug tops, all fittings and appliances, replacement bulbs, light fittings, fluorescent tubes, batteries for smoke or other detectors.		✓
Annual testing of electrical circuits.		✓
Gas installations - all fittings and appliances will require periodic testing.		✓
Sanitary installations - chains and plugs for basin and sink, choked internal pipes and traps, excluding cast iron.		✓
Internal fittings - internal glazing, roller blinds, roller shutters, manual shutters, curtain rails, coat and hat hooks and rails, internal/external decoration and floor coverings.		✓
Pest control.		✓
Cleaning.		✓
Water system - Annual testing, cleaning and chlorination.		✓
Roller and manual shutters.		✓
Hot Food Takeaway/Restaurant Users The tenant is responsible for ensuring grease traps are installed and maintained regularly. Disposal of any food waste or fats into the water drainage system is strictly prohibited (in which case we reserve the right to carry out such work and recharge to you).		✓
All structural repairs and commonly used by more than one tenant such as shared staircase, fire exits, roofs and rainwater goods.	✓	
Repairs involving adjoining owners or tenants.	✓	

Paying Rent

Paying your rent is very important. Please ensure you quote your unique tenant reference number which starts with 80.

When do I pay my rent?

Rent will be stated in your lease being payable monthly in advance due on the first day of the month.

Where do I pay my rent?

The preferred method of payment is by standing order/direct debit; however you can pay by using the methods listed below.

Standing Order/Direct Debit

Payments are made directly from your bank or building society account. Standing orders/direct debits can be arranged by contacting the Housing Executive Commercial Property Administration Manager on 03448 920 900.

Paypoint

Pay by cash at any PayPoint outlet. Remember to take your Housing Executive payment card and keep your receipt as proof of payment.

Online

Go to www.nihe.gov.uk/paying_online and follow the instructions to make your payment quickly and securely with your debit or credit card.

Telephone

Call the allpay automated 24 hour telephone service on 0844 557 8321 and pay by debit or credit card. Available 24 hours a day, 365 days a year.

Cheque

Payable to 'NIHE' and sent to:

Northern Ireland Housing Executive
Commercial Property Department
2nd Floor
The Housing Centre
2 Adelaide Street
Belfast BT2 8PB

Arrears

If you fall into arrears it is important that you contact us. We will do everything we can to help you sort out your difficulties. If you do not contact us to make an arrangement we will take legal action against you to recover arrears. The consequences of this action can be serious and can:

- Cause you to incur additional legal charges.
- Affect your credit rating.
- Affect your occupation of the property.

Legal recovery is a last resort. We urge all tenants to contact us if they fall into arrears.

Insurance

What do I need to insure for?

It's vital that the property let to you is properly covered for certain risks.

These are specified in the lease as being the responsibility of the tenant and are:

1. All public liability, contents cover and plate glass cover.
2. The tenant shall be solely liable for all premiums or payments in connection therewith. Copies of the policies and premium receipts in respect of these insurances shall be made available to the landlord upon request.
3. Tenants' fixtures and fittings, stock and chattels, accidental damage and employers' liability for staff, contents, public liability and third party liability including business loss.

In the event of any damage, giving rise to a claim, please inform the Commercial Property Manager immediately, giving full written details of the incident in order that the insurers can begin to investigate the loss without delay.

Statutory Compliance

It is your responsibility to comply with all statute, common law and other relevant codes of practice/regulations affecting the premises occupied. This includes statutory compliance covering:

- Fire Regulations - all fire safety including evacuation drills, testing and inspection of alarm systems, risk assessments, maintaining firefighting equipment. Go to www.nifrs.org/firesafe for more information.
- Asbestos - ensure all asbestos regulations are complied with. Go to www.hse.gov.uk/asbestos or call 08000 320 121.
- Electrical Services - including five year fixed wired test and PAT testing of all portable appliances
- Legionella Regulations - testing of hot water outlets, cold water storage and air conditioning systems.
- Health and Safety at Work - including ladders, safety glazing, gas safety, ventilation, food hygiene, COSHH regulations, Disability Discrimination Act, Pressure systems and equipment in confined spaces.

Terminating Your Tenancy

Your rights of termination will be detailed in your agreement. Your Commercial Property Manager will be able to confirm, subject to certain conditions, when or if you may be permitted to assign your agreement to another party and thus avoid any penalty payments.

What do I do before I move out of my property?

On agreement of termination to vacate the property the Property Manager will visit the property and may prepare a Schedule of Dilapidations (a report detailing the works required to be carried out prior to your leaving the property), a copy of this will then be sent to you. Works must be completed prior to the agreed termination date.

You will be required to be up to date with:

1. Rent.
2. Non domestic business rates.
3. Electricity, gas and water charges.

If you have a problem with regard to any outstanding sums and their repayment, then please discuss this with the Property Manager.

At the termination date you will be required to:

1. Remove all your possessions from the property.
2. Leave the property in a clean and tidy state of repair. If the Housing Executive needs to arrange to clear and clean you will be re-charged that cost.
3. Leave all improvements and fixtures intact.
4. Keep the property insured up to the date of termination.
5. Keep the property heated up to the date of termination.
6. Supply a copy of the most recent electricity/gas/water invoice to assist in a smooth transition.
7. Return all keys and fobs to the Housing Executive with a note of any alarm codes.
8. Arrange for the termination of your utility contracts. Should your supplier levy any standing charges, even after you vacate, you will be responsible for these charges.
9. Provide the Housing Executive with a forwarding address and also arrange with the postal service.
10. Supply the Housing Executive with copies of Asbestos Register (if applicable), Fire Risk Assessment and five year Fixed Wired test certificate.

Complaints

The Housing Executive is committed to providing a high quality service to all its customers.

We welcome feedback from customers and therefore, if you would like to submit a complaint, comment or compliment about the services you have received, you can do so at any Housing Executive office.

The office will be able to provide you with a leaflet giving more details about how to submit feedback.

Further information can also be obtained from the our website at www.nihe.gov.uk

Useful numbers

Housing Executive

Commercial Property Department	03448 920 900
Repairs	03448 920 901

Other

Police, Ambulance and Fire	999
Gas leaks	0800 111 999
Electricity Service Power Loss	03457 643 643
NI Water Leakline	03457 440 088