

Quick Guide and Checklist

Withholding Rent or Service Charge

Introduction

Withholding all or part of your rent or service charge payment can be a breach of your tenancy or leasehold agreement. However, a growing number of people believe that they have no other option but to take this course of action because they have been unable to get their landlord to engage with them to address a problem. The causes are typically disrepairs or inaccurate or unexplained service charges.



As the cost of living rises, a third cause is that people are being priced out of their homes, unable to keep up with rent or service charge increases.

In both cases, it is better to withhold payment as part of a collective, and to take some simple steps to defend yourself against legal action by the landlord. These steps are set out in our checklist.

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Withholding Payment Checklist



Sign our Pledge. This will ensure you get regular updates on our campaigns to end unfair rents and service charges, and notifications about new resources.

<https://shaction.org/pledge-page/>



Switch Your Payment Method from Direct Debit (DD) to Standing Order (SO). You need to ensure that your future payments are set at the level you want. Call your bank or use your internet banking to switch your payments from DD to Standing Order SO. The information needed for both is identical, and both ensure regular payments are made to your landlord.

The difference is that a landlord can change the amount charged through DD, but they cannot change the amount charged through SO. Once you have switched, you will be in charge of your payments.



Tell Your Landlord. You need to forewarn your landlord of your intended action and explain why. You can use our templates:

- [Download template letter](#)
- [Download template email](#)

And don't forget to copy SHAC (shac.action@gmail.com).

Each time they write to advise you that you are in arrears, just re-send the original letter.

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Keep All Your Correspondence. When contacting your landlord, email or letter is better than phone as it means you have a written record of correspondence. Save your emails and letters and their responses where you can find them easily.

If they contact you by phone, follow up with an email summarising the discussion so that you have a written record of the discussion. It doesn't matter if they don't reply to the email.



Inform Your MP and Councillors. MPs play an important role in pressuring government for change. They also help formulate policies for their own political parties. They need to know that there is growing opposition to the lack of adequate controls on rents and service charges.

Even if you don't share their political views, it is worthwhile letting them know what action you are taking and why.

Find my MP – www.members.parliament.uk/FindYourMP

Find my Councillors - www.gov.uk/find-your-local-councillors



If they begin legal action, let us know. Housing associations will regularly make legal threats in letters or by phone if you are in arrears. However, no landlord has actually taken legal action against any SHAC member who is withholding payment in protest. If they do send a 'pre-action letter' (the first stage of the legal process), let SHAC know. We will discuss the support we can provide from across the housing campaign movement.

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Set Aside The Money You Are Withholding. For a landlord to take you to Tribunal, you must be at least 8 weeks in arrears on the day of the hearing. You can therefore prevent action by paying off the arrears to bring you within the safe (8 weeks arrears) limit if it looks like they are pressing ahead to legal action. It will also help your case if you can show that you had the money to pay but were withholding in protest. Keep the funds in reserve if at all possible.



Get Neighbours Involved. If the issue under protest – high rents, inaccurate service charges, disrepairs – is something that affects others in your block or on your estate, get as many neighbours as possible to take the same step. This is also a great protection against retaliation by the landlord, and increases the chances of getting your dispute resolved.

The simplest way to do this is through discussions. SHAC can help to provide leaflets which can be posted through neighbours doors if you don't know them personally. Contact SHAC for support to build a local collective (shac.action@gmail.com).

Taking these steps doesn't guarantee that the landlord will back off, or that they will resolve the issues under dispute. They do however provide a level of protection and some defence in the unlikely event that you go to court.

SHAC

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