

Maintenance obligations of tenant and landlord - Who needs to pay what?

The articles of the new title 4 of book 7 of the Civil Code indicate the maintenance obligations of the landlord and any liability arising from it for the landlord as well as the maintenance obligations of the tenant and any liability arising from it for the tenant. These provisions have been formulated in a vague manner and in practice, lead to ambiguities and disputes.

If a statutory provision or agreement is silent on a particular obligation, the 'local custom' or 'the daily routine' applies. The definition of 'local custom' is further described here. The list aims to be a directive for the rights and obligations of the tenant and landlord and the most common situations have been covered. The distribution of the costs of the tenant/landlord is a legal and general reference. In practice, exceptions to this will be inevitable.

All expansions and repairs of installations that are not a standard part of the property, will be charged to the tenant. The tenant is free to choose to make repairs to those components that belong to his/her responsibility. Permission needs to be requested from the landlord in advance, in writing, for creating facilities and making improvements. If no such permission has been granted, the landlord is free to have these provisions removed, at the expense of the tenant.

By signing the lease, you also agree with these maintenance obligations.

Maintenance from A to Z

T = responsibility tenant

L = responsibility landlord

A

Antenna

A (dish) antenna may be placed only after written permission from the landlord, which applies to a TV or radio antenna and the antenna for a transmission radio. T

Air vent

Maintenance and repairs to vents, valves and hoods, Cleaning and changing filters T

Aviaries

Aviaries may only be placed after written permission from the landlord T

Awnings

Outdoor awnings can only be installed with prior written permission of the landlord. T

B

Balconies and balustrades (in stairwells as well)

Maintenance to balconies and balustrades T

Bath

Cleaning and minor repairs to bath T

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Bathroom

> see Toilet

Bidet

Maintenance of the bidet T

Brickwork

Maintenance and repair of outdoor brickwork L

Boundary

If belonging to the house: ± 1 to 2 m L

If applied by the tenant in the meantime T

C**Cabinets**

Maintenance and repair of built-in cabinets and separate closets and cupboards, including latches and hinges T

Ceilings and ceiling finishes

Repairs of ceiling structures and loose plaster (possibly with plasterboard) before it is delivered to a new tenant L

Maintenance and repairs due to (sixed) ceiling finishes (paneling, plaster etc) applied by the tenant T

Repairs of ceilings and plaster due to damage (holes, plugs, shrink cracks etc) T

Painting and/or saucing ceilings T

Central heating and combi boiler

Repairs to the central heating installation and/or combi boiler in normal use L

Operation, refilling and deaeration of the central heating system and combi boiler, and maintenance respectively replacement of filling hoses, swivels, keys, damage from mishandling, painting radiators and pipes T

Chimneys

Repair of chimneys and ventilation ducts L

Swiping chimneys at least once a year T

Cistern

Maintenance and repair of the toilet cistern, possibly replacing parts such as float and float valve T

Cleaning

Cleaning stairways, hall etc, unless it is included in the service costs T

Common areas

Cleaning porch, staircase and common corridors insofar the costs are not included in the service costs T

Indoor maintenance: repairs and maintenance to floors, walls, ceilings, stairs, railings and gates in stairways, corridors of storages, entrance halls etc. L

All painting of hinges and locks on windows and doors L

Maintenance and repair of general lighting in hallways, doorways, stairways, entrance areas L

Replacing lamps, starters, etc. of the general lighting in hallways, doorways, stairways, entrance areas L

Central letter boxes, doorbell and house telephone/intercom systems L

Cleaning (sweeping) of chimneys of common facilities (block heating) L

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Countertop

Repairs to and replacement of kitchen block and worktop due to wear or decay L
Adjusting hinges and latches of doors T

D

Door Opener

Maintenance and repair of electrically operated door openers L

Doors

Restoration of exterior doors in case of wood rot or normal wear L
Replacement of doors after storm damage T
Restoration of interior doors (including maintenance locks and hinges). Only in cases of T
obvious wear or age landlord will take care of replacement
Replacement of glass in interior doors T
Securing and lubricating hinges and locks of doors T
Painting interior doors and the inside of the exterior doors T

Downpipe

> see Rain pipe

Drain

Repairs to roof drains and gutters L
Cleaning and keeping clean roof drains holes and gutters with regard to stacked house L
Maintenance of drains, shower, sink, etc., including any drain plugs and chains T
Repairs to drain siphons, drains, shower plugs, etc. T

Disinfecting

Disinfection in relation to pest control T

Doorbell

Maintenance and repair of doorbell and doorbell installation for common use L
Maintenance and repair of 'own' doorbell T

E

Electricity

Maintenance and repairs of electrical installation with distribution box, wiring, grounding L
Repairs to electrical equipment from overload or self-made extensions T
Maintenance and repair of doorbells, switches, sockets T
Maintenance or replacement of fuses, switches, sockets and lamps T
Same in common areas L

Elevator and elevator system

Maintenance and repair of the elevator L
Inspections and remedying malfunctions L
Service Subscription T

Entrance Portals

All necessary repairs maintenance for common entrance porches and entrance halls L

F

Faucets/taps

Replacement and maintenance of taps and mixing taps, such as leather T

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Fighting pests

> see Pests

Firebreaks

Maintenance of pavement in firebreaks

L

Cleaning firebreaks

T

Fireplace

To place a fireplace, incinerator or chimney stove, written permission of the landlord is required

T

Float

Replacing the float in the toilet cistern

T

Flooring and decking

Maintenance and repair of the floor structure and the screed, such as:

- repairs to rotten joists and floor components

L

-repairs to loose cement screeds and tile screeds

L

Maintenance and repair of solid flooring applied by the tenant

T

Repairs due to damage/breakage of decking

T

For laying flooring and tiles, written consent of the landlord is required, for laying tiles, special arrangements need to be made

T

Flooring and tiling

Laying parquet, even loose 'take away parquet' and tiles is only allowed after written approval of the landlord, due to noise

T

Foundations

All repairs and maintenance

L

Frames: inner frames

Repair and painting of all inner frames, including maintenance and repair of latches and hinges

T

Only in cases of obvious wear or age, the landlord will take care of replacement

L

Frames: outer frames

Painting the exterior of outer frames, as well as repairs and replacement of hinges and locks

L

Replacement of outer frames in case of wood rot

L

Painting the inside of the outer frames

T

G

Galleries

All maintenance

L

Garbage chute

Maintenance and repair of the garbage chute

T

Decongesting and disinfecting garbage chute

L

Gardens

Embankment gardens and terraces

T

Construction and maintenance of landscaping and hedges

T

Boundaries

T

Embankment and repairs of self-installed additional pavement

T

Gas

Repairs to gas lines up to the meter

L

Maintenance and repairs to indoor gas pipes and gas valves installed by the tenant

T

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Replacement or repairs to indoor gas lines and gas valves insofar these were a part of the original property L

General

All maintenance or repairs arising from damage, destruction, incompetence and/or improper use shall always be at the expense of tenant/occupier T

Repairs to and replacement of all keys T

In general, maintenance arising from wear or old age is at the expense of the landlord. L

Removing goods that were left behind in the property T

Removing goods in common areas T

Glass

> see Windows

Replacement of damaged or broken glass, insofar not individually insured by means of a glass insurance (this may be indicated in your lease) T

Replacing leaky insulating glass L

Gooseneck

Keeping clean and unblocking the gooseneck (siphon) underneath the sink T

Repair and replacement of the gooseneck T

Gutters

> also see Roof and Gutters

Repairing and replacing gutters L

Cleaning gutters and vents T

H

Handrails

Maintenance and repairs to handrails of stairs in common areas L

Small daily maintenance and repairs to handrails of stairs in a house T

Hedges

> see Gardens

Hinges

Maintenance (lubrication and securing) hinges of doors and window T

Hinges and locks

Maintenance and lubrication of door handles, hinges, locks, window trees etc. T

Maintenance and replacement of locks and hinges on interior doors T

Maintenance and lubrication of hinges and locks of access doors to common doors L

Replacement of locks and hinges, locks and espagnolettes outside doors and windows L

House telephone/intercom

Maintenance to house telephone and associated system L

K

Keys

Having new key(s) made after losing or damaging them T

Kitchen

Repair and replacement of the kitchen block and worktop due to wear or decay L

Adjustment of hinges and latches for doors T

Maintenance, repair and possible replacement of additional kitchen elements and components installed by the tenant T

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Maintenance and repair of drain plug and chain, hanging cabinets and oven racks T

L

Leakage

Restoration of leakage in pipes L

Restoration of pipes that have been installed by the tenant or after frost damage T

Lighting

> also see Electricity

> also see Outdoor lighting

Maintenance and replacement of lighting in common areas L

Locks

Lubricating latches and hinges in the property and associated storage (treating cylinder locks with graphite) T

Maintenance and repair of locks which provide access to common areas L

Same for front door locks L

Loft/attic stairs (Vlizo stairs)

Maintenance and repair of vlizo stairs T

M

Mailbox

In own front door T

In hallway and common areas L

Mechanical ventilation

Maintenance and repair of mechanical ventilation L

Cleaning and replacing filters in the mechanical ventilation and exhaust valve T

Mirrors

Replacement of mirrors after damage or weathering T

O

Outdoor lighting

Maintenance and repairs outdoor lighting at galleries and parking L

Replacing light bulbs etc. in outdoor lighting at galleries and parking L

Outdoor lighting installed by tenant T

Outdoor stairs and outside concrete L

Maintenance and repair of outdoor stairs and outdoor concrete L

P

Painting

Painting inside the house and in storage T

Exterior painting L

Paths

Maintenance and repair of roads, parking and terraces belonging to the property L

Maintenance and repair of common paths L

Cleaning common paths T

Paving

Repairs of balconies and balustrades L

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Maintenance and paving in garden and carport and paths that belong to the house	T
Maintenance of pavement in common areas	L
Cleaning of common paths	T
Pens Pens can only be placed after written permission of the landlord	T
Pests	
Pest control such as bedbugs, roaches, wasps, bees, ants, beetles, rats, mice, fleas and other pests	T
Fighting woodworm	L
Pigeon house	
A pigeon house can only be placed after written permission of the landlord and the municipal Department of Building and Housing	T
Installation, maintenance and insurance of the pigeon house	T
Planchet	
Maintenance of the planchet (shelf below mirror)	T
Plastering	
Plastering and painting white ceilings and walls in the property	T
R	
Rain pipes	
Unblocking rain pipes	T
Roof and gutter	
Maintenance and replacement of roofing, chimney, gutters and drains, roof light and roof tiles due to normal wear or caused by storm	L
Cleaning gutters and vents	T
Repairs due to roof access by residents, where demonstrable	T
Maintenance of the roof of a shed or storage	L
Exterior painting of a shed or storage	L
Maintenance of the inside of a shed or storage	T
Interior painting of a shed or storage	T
S	
Sanitary	
Replacement of sinks, fountains, cisterns and toilet bowls due to wear or age	L
Maintenance and replacement of valves for sanitary appliances, water and gas	T
Maintenance and replacement of shelves, mirrors, toilet seat and other sanitary accessories	T
Screed	
Maintenance of the screed	L
Sealant	
Maintenance and repair of sealant	L
Sewer	
Repairs to sewer after subsidence in and outside the property	L
Replacement of sewer due to wear	L
Unblocking sewer, sinks and drains in and outside the property up until the boundary	T
Cleaning and unblocking of sewers and drains, drainage systems, if proven to be the tenant's fault	T

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Sheds and storages	
Restoration of shed floors	L
Shower	
Maintenance of the shower hose, hand shower, slip hook and hitch	T
Sink	
> also see Countertop	
Cleaning and unblocking drainage and replacing the grate in the sink	T
Maintenance and replacement of the sink after damage	T
Siphon	
Cleaning and unblocking the siphon (gooseneck) underneath the sinks and countertops	T
Remedying leakage in plastic siphon	T
Remedying leakage in lead siphon	L
Skirting	
Maintenance, repair or replacement of skirting boards	T
Soap dish	
Repairing damage to soap dishes	T
Sockets	
> see Electricity	
> see Switches	
Stairs	
Maintenance of stairways and performing minor repairs such as securing loose handrails in the wall	T
Repairs to interior stairways due to wear or decay	L
Stairwells multi-family buildings	
All maintenance	L
Storages	
Storages can only be installed after written permission of the landlord	T
Stucco	
Restoration of plaster (plastering) if it comes loose of the foundation	L
Restoration of damage by own activities	T
Switches	
Maintenance and replacement of switches and sockets	T
T	
Telephone connection	
All maintenance	T
Terraces	
Maintenance and restoration of terraces belonging to the property	T
Tiles	
For roof tiling > See Roof and gutter	

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Tiling

Repair and replacement of wall and floor tiles after damage T
Repairs to loose tiling L

Toilet

Maintenance and renewal of the seat, the lid and the sleeve or sock, meaning the connection to the sewer T
Replacement of the float in the cistern (tank) bottom rubber T
Maintenance of the toilet bowl T
Renewal of toilet bowl due to wear L

Trees

Pruning and felling of trees T

V

Ventilation

> also see Air vents
> also see Mechanical ventilation
Repairs to ventilation channels L
Cleaning of ventilation ducts T
Maintenance, cleaning and replacement of filters and gratings T

W

Wallpaper

The entire interior painting, wallpaper and sauce work T

Walls and wall finishes

Repairs to loose stucco and concrete tiles and concrete enamel (possibly with gypsum plate) before it is delivered to new tenants L
Maintenance and repair of solid wall finishes (tiles, woodwork, textiles, etc.) applied by the tenant T
Repairs to stucco, tile and concrete enamel due to damage, holes, plugs, removing wallpaper, shrink cracks etc. T
Large cracks L
For applying special wall finishing such as paneling and Granol, prior written consent of the landlord is required T

Water Heaters

Where the service includes maintenance L
Others T

Waterworks

Water pipes outside the house or up to the gauge (not including outdoor faucets, etc.) L
Repairs to hot and cold water pipes L
Preventing freezing T
Recovery after freezing T

Weather strips

Maintenance and replacement of weather strips T
Applying weather strips, if necessary T

Windows

Maintenance of inside windows T
Recovery of windows after airing (storm damage insurance) T
Maintenance windows outside (excluding washing) L

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Repair or replacement of windows due to rotting	L
Replacement of damaged or broken glass, insofar not insured individually by means of a glass insurance (this may be indicated in your lease	T
Replacing leaky insulating glass	L
Windowsills	
Small daily maintenance and repair of windowsills	T
Replacement of windowsills due to wear or age	L

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