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Guidance

Mandatory information required from leaseholders and building owners

This guidance explains the information required to complete the leaseholder deed of certificate, and what information your building owner must provide in the landlord's certificate.

From:

[Department for Levelling Up, Housing and Communities](#)
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Applies to England

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Summary

1. To demonstrate whether you are a [qualifying leaseholder](#) (<https://www.gov.uk/guidance/qualifying-date-qualifying-lease-and-extent>) for the purpose of the protections, and to enable your building owner to calculate your [maximum cap](#) (<https://www.gov.uk/guidance/leaseholder-contribution-caps>) for historical [non-cladding safety remediation](#) (<https://www.gov.uk/guidance/definition-of-non-cladding-remediation>), you must complete the [leaseholder deed of certificate](#)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1093317/Leaseholder_Deed_of_Certificate_Editable_Word_Version_.docx) (MS Word Document, 61.2 KB). (The definition of 'building owner' can be found in [What are my building owner's legal obligations?](https://www.gov.uk/guidance/what-are-my-building-owners-legal-obligations) (<https://www.gov.uk/guidance/what-are-my-building-owners-legal-obligations>)).

2. To pass on any historical safety remediation costs to you, as a leaseholder, your building owner must complete the [landlord's certificate](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1136035/Landlord_Certificate_Editable_Word_Version_-_FINAL.docx) (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1136035/Landlord_Certificate_Editable_Word_Version_-_FINAL.docx) (MS Word Document, 57.9 KB).

3. This guidance explains the information required to complete the leaseholder deed of certificate, and what information your building owner must provide in the landlord's certificate.

Leaseholder deed of certificate

4. The [leaseholder deed of certificate](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1093317/Leaseholder_Deed_of_Certificate_Editable_Word_Version_.docx) (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1093317/Leaseholder_Deed_of_Certificate_Editable_Word_Version_.docx) (MS Word Document, 61.2 KB) sets out the information that your building owner needs for the purposes of applying the leaseholder protections. It will help your building owner to:

- a. determine your qualifying status
- b. calculate your remediation cap

5. You can choose to produce a leaseholder deed of certificate at any point, to affirm your entitlement to the protections for qualifying leaseholders. You must provide your building owner with a leaseholder deed of certificate when notified to do so.

6. If your building owner issues you with a written notice, this notice must meet all of the following conditions - it must:

- a. be left at your address, sent to your address as a prepaid first-class letter, or sent via email (in instances where your building owner has your email address)
- b. state that it is a notice for the purposes of paragraphs 13 and 15 of Schedule 8 to the Building Safety Act 2022
- c. include a copy of the form of the leaseholder deed of certificate
- d. state the reply date (that is, the date that your reply to the notice must be received, **which must be no less than eight weeks from the date you received the notice**)
- e. state the address of the building owner (this is where you must send your reply)

7. The notice must include a statement which explains that failure to complete the certificate will have any of the following consequences:
- a. your lease will be treated as though it is not a qualifying lease
 - b. your building owner may assume that you own a 100% share, even if your lease is shared ownership
 - c. the qualifying lease may be deemed to have a higher value
8. If you receive a notice, then you must carry out one of the following by the specified date:
- a. provide your building owner with a leaseholder deed of certificate which complies with the requirements laid out in paragraph 10 (below) and **table 1.0** of this guidance
 - b. reply to your building owner in writing stating that you will not provide a certificate. In this case, you will be treated as if you do not have a qualifying lease. **This means that you will not be covered by the contribution caps when asked to pay towards remediation of non-cladding relevant defects in instances where your building owner does not meet the [developer test and contribution condition \(https://www.gov.uk/guidance/remediation-costs-what-leaseholders-do-and-do-not-have-to-pay\)](https://www.gov.uk/guidance/remediation-costs-what-leaseholders-do-and-do-not-have-to-pay)**
9. Your building owner cannot charge you for sending any notice or certificate.
10. If you are completing the leaseholder deed of certificate, this must meet all of the following conditions – it must:
- a. be executed by the person who is the leaseholder under the lease
 - b. be in the form of the [leaseholder deed of certificate \(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1093317/Leaseholder_Deed_of_Certificate_Editable_Word_Version_.docx\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1093317/Leaseholder_Deed_of_Certificate_Editable_Word_Version_.docx) (MS Word Document, 61.2 KB) template
 - c. be executed as a deed (that is, a legal document that is signed by you, and signed and witnessed by someone who is not a family member)
11. **Table 1.0** (below) outlines the information required to complete the leaseholder deed of certificate, and the form of evidence that is required

Table 1.0 - Information and evidence required to complete a leaseholder deed of certificate

What Needs to be Demonstrated

Evidence or Information to be Provided

Background Information	You must provide all of the following: <ul style="list-style-type: none">- your address of the dwelling that the certificate relates to,- your name,- the name of the leaseholder on 14 February 2022.
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Whether the lease is a qualifying lease

The property's last sale price on the open market	If your lease was sold on the open market before 14 February 2022, you must provide both of the following: <ul style="list-style-type: none">- evidence of the most recent sale from before that date, including an official copy of the register of title at HM Land Registry that shows the date of the sale in question, and- evidence of the price paid when the sale was completed (this must be in pounds sterling, and must be rounded to the nearest pound).
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Total number of UK properties owned	You must provide evidence to show that the dwelling was your only home (where you only own and reside in this property) or your principal home (where you own more than three UK properties, but reside in this property), on 14 February 2022. This could be via a Council Tax bill, a utilities bill or a bank statement to demonstrate that you reside at the address. Where you have up to three UK properties in total, but this property is not your primary residence, you do not need to complete this section, but you will still qualify for the protections.
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Shared ownership status	Where the dwelling was owned under a shared ownership lease at the beginning of 14 February 2022, you must provide both of the following: <ul style="list-style-type: none">- a copy of the shared ownership lease,- evidence of the percentage share under the shared ownership lease held on that date.
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12. You can request an additional 4 weeks to fill out the leaseholder deed of certificate. You are only able to do this if you make the request before the reply date that was set out in your building owner's notice letter.

13. If your building owner does not receive a reply from you 14 days before the reply date, they must get in touch with you at least seven days before the reply date. When they get in touch with you, they are required to carry out all of the following:

- a. state that no reply to the notice has been received
- b. set out the reply date
- c. telephone you to draw the notice to your attention. They are only obliged to do this in instances where they have your telephone number

14. You are required to pass these documents on to future lessees through the conveyancing process.

15. For more information on the leaseholder deed of certificate please visit the [leaseholder protections frequently asked questions page](https://www.gov.uk/guidance/leaseholder-protections-frequently-asked-questions) (<https://www.gov.uk/guidance/leaseholder-protections-deed-of-certificate-frequently-asked-questions>).

Landlord's certificate

15. Your building owner must provide you with a [landlord's certificate](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1136035/Landlord_Certificate_Editable_Word_Version_-_FINAL.docx) (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1136035/Landlord_Certificate_Editable_Word_Version_-_FINAL.docx) (MS Word Document, 57.9 KB), in any of the following instances:

- a. when they want to pass on part of the cost of remediation onto you, as leaseholder, through the service charge
- b. within 4 weeks of receiving a notification from you that your leasehold interest is to be sold
- c. within 4 weeks of them becoming aware of a relevant defect which was not covered by a previous landlord's certificate
- d. within 4 weeks of you requesting a landlord's certificate

16. The landlord's certificate demonstrates:

- a. whether the building owner's group meet the contribution condition
- b. whether your landlords group meet the [contribution condition \(where you are a qualifying leaseholder\)](https://www.gov.uk/guidance/remediation-costs-what-leaseholders-do-and-do-not-have-to-pay) (<https://www.gov.uk/guidance/remediation-costs-what-leaseholders-do-and-do-not-have-to-pay>)
- c. whether the building owner or any Superior Landlord at the time was associated with the developer of the building (a Superior Landlord is a landlord who owns the interest in the property which gives them the right of possession at the end of another landlord's lease)

17. A landlord's certificate must meet all of the following conditions - it must:

- a. be signed by the person who is the current landlord on the date the certificate is signed

b. be based on the circumstances of whoever was the relevant landlord on 14 February 2022

c. be in the form of the landlord's certificate template (as found in [The Building Safety \(Leaseholder Protections\) \(England\) Regulations 2022](https://www.legislation.gov.uk/uksi/2022/711/contents/made) (<https://www.legislation.gov.uk/uksi/2022/711/contents/made>))

d. contain the relevant information and be accompanied by the specified evidence, as outlined in **Table 2.0** (below)

18. If your building owner is unable to provide any of the information required for the landlord's certificate, they must contact other people who may be able to provide such information. They can request that these people provide this information within three weeks of having been asked.

19. If your building owner does not provide a valid landlord's certificate which complies with the requirements outlined in paragraph 17 (above), they will be unable to pass costs for remediation onto you.

20. Building owners are required to provide evidence to back up their claims if they believe themselves to be exempt from the full costs of remediation of historical safety defects. Failure to disclose information or dishonestly making a false claim may be a criminal offence under the Fraud Act 2006, and their director, manager or secretary may also be held criminally liable.

Table 2.0 – Information and evidence required to complete a landlord's certificate

What Needs to be Demonstrated	Evidence to be Provided
Whether the relevant building owner(s) meet the developer test	<p>Your building owner must provide all of the following:</p> <ul style="list-style-type: none"> - the companies which make up the landlord group (see more information on landlord groups (https://www.gov.uk/guidance/remediation-costs-what-leaseholders-do-and-do-not-have-to-pay)) - the beneficial owner of each company in the group - the names of all the directors of each company in the landlord group - the names of any other person(s) (including other companies) who exercises - or has the right to exercise - significant control or influence over the group

Whether the relevant building owner(s) meet the developer test	<p>In instances where the beneficial owner of the landlord group, or any of the companies in the group is, or includes, a trust, foundation or a similar arrangement, your building owner must set out all of the following:</p> <ul style="list-style-type: none">- details of the type of trust- the law to which the trust is subject- where the trust is tax resident- details of the trust and trustees, including the name of directors of each corporate trustee (this includes nominee and shadow directors or any person occupying the position of director)
Whether the relevant building owner(s) meet the developer test	<p>In instances where the trust has an interest in the shares of any company in the landlord group, your landlord must set out all of the following:</p> <ul style="list-style-type: none">- details of the economic settlor (that is, the person that appoints the trustees, decides upon the beneficiaries, and determines the terms of the trust)- anyone who exercises - or has the right to exercise - significant influence or control over the trust (this can be direct or indirect influence, and can include: the named beneficiaries, the class of beneficiaries and the protector)
Whether the relevant building owner(s) meet the developer test	<p>If works have been undertaken or commissioned relating to a relevant defect, where the person who undertook or commissioned those works was not the relevant landlord and was not associated with the relevant landlord, your landlord must provide all of the following:</p> <ul style="list-style-type: none">- proof of this- confirmation of the identity of the person who did undertake such works <p>Where the works were commissioned or undertaken by a joint venture, your landlord must provide all of the following:</p> <ul style="list-style-type: none">- proof that they were not involved in that joint venture

- details of the persons who were involved in the joint venture
-

Whether the landlord group meets the contribution condition

Your landlord is required to provide a statement from a chartered accountant or the finance director of the landlord company, which carries out all of the following:

- sets out the net worth of the relevant landlord
- sets out the net worth of each company in the landlord group (in instances where the relevant landlord is part of a landlord group)
- confirms that these net worth calculations have been made in accordance with the contribution condition
- confirms that these net worth calculations accurately represent the net worth of the relevant landlord, or the companies comprising the landlord group

The remaining remediation cap for the leaseholder. Find out more about the [contribution caps](https://www.gov.uk/guidance/leaseholder-contribution-caps) (<https://www.gov.uk/guidance/leaseholder-contribution-caps>)

Your landlord is required to demonstrate all of the following:

- details of works carried out to remediate any relevant defect within the relevant building since 28 June 2017
- the total sum of the charges (paid or due) for works done to remedy any relevant defect(s) in the relevant building since 28 June 2017
- details of the number of flats between which the costs have been or should be divided (this will be all flats, not just those with a qualifying lease, and may also include any non-residential units in the block)
- the maximum capped amount payable by the leaseholder, deducting any payments they have made in respect of any relevant defect since 28 June 2017

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