

## Minor Repairs (Tenant's Liability)

Decree Applies from 01/08/2003 to date

Decree of 8 April 2003, on the designation of repairs that should be regarded as minor within the meaning of [artikel 240 van Boek 7 van het Burgerlijk Wetboek](#) (Besluit kleine herstellingen)

Wij Beatrix, bij de gratie Gods, Koningin der Nederlanden, Prinses van Oranje-Nassau, enz. enz. enz.

Op de voordracht van Onze Minister van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer van 14 november 2002, nr. MJZ2002095609, gedaan mede namens Onze Minister van Justitie;

Gelet op [artikel 240 van Boek 7 van het Burgerlijk Wetboek](#);

De Raad van State gehoord (advies van 17 januari 2003, nr. W08.02.0520/V);  
Gezien het nader rapport van Onze Minister van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer van 2 april 2003, nr. MJZ2003025743, uitgebracht mede namens Onze Minister van Justitie;

Hebben goedgevonden en verstaan:

### Article 1

The repairs designated in the [bijlage behorend bij dit besluit](#) shall in any case be regarded as minor repairs within the meaning of [artikel 240 van Boek 7 van het Burgerlijk Wetboek](#).

### Article 2

This decree comes into force at a date to be stipulated under a Royal Decree.

### Article 3

This decree is referred to as Minor Repairs (Tenant's Liability) Decree.

We order and command that this Decree together with the relevant explanatory memorandum shall be published in the Bulletin of Acts and Decrees.

The Hague, 8 april 2003

Beatrix

De Minister van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer,  
H. G. J. Kamp

De Minister van Justitie,  
J. P. H. Donner

Issued on the twenty ninth of April 2003

De Minister van Justitie,

J. P. H. Donner

#### **Article 240**

*By order in council, repairs can be designated that should be **regarded as minor repairs which, under [artikel 217](#) are payable by the tenant**. The provisions stipulated according to this section cannot be deviated from to the detriment of the tenant.*

#### **Article 217**

*The tenant is obliged to carry out the minor repairs at his expense unless they are required due to the landlord's failure to fulfill his obligation to remedy defects.*

## Annex part of artikel 1 van het Besluit kleine herstellingen

- a. whitewashing interior walls and ceilings and painting interior woodwork and, if necessary, papering the interior walls;
- b. the preparatory work for the work described under a, which shall, in any case, include grounding, sanding and filling holes, dents and minor (shrinkage) cracks;
- c. securing and screwing down loose parts of the living space, which shall, in any case, include loose:
  - stair handrail, doorknobs, and thresholds;
  - electrical switches, wall sockets, and doorbells;
- d. without incurring considerable costs, replacing and renovating components and parts of the living space that can be easily replaced and which are located in the living space of the rented accommodation, which shall in any case include:
  - tap washers and other tap parts that are easy to replace;
  - doorknobs and locks, hinges and locks of doors and windows;
  - floor and ceiling grilles;
  - keys of interior and exterior locks;
  - fittings for the shower and toilet area;
  - fittings for the toilet;
  - electrical switches, wall sockets, doorbells, cable TV, telephone and computer connections, and similar parts of data networks;
- e. keeping moving parts operational, checking their operation regularly, and oiling, lubricating, or descaling them, if necessary, which shall in any case include:
  - hinges of doors, shutters, and windows;
  - locks;
  - taps;
- f. taking measures to prevent (having to repair) frozen taps;
- g. replacing lamps outside the living space of the rented accommodation and in the communal (outdoor) areas;
- h. replacing damaged windowpanes and built-in mirrors, insofar as this does not involve considerable costs;
- i. without incurring considerable costs, maintaining and replacing parts of mechanical systems in the living space of the rented accommodation and forming a part thereof, insofar as this work is simple from a maintenance point of view and does not require any specialist knowledge, which shall in any case include:
  - bleeding and replenishing the water of the heating system;
  - restarting the heating system after failure;
  - replacing the filters of the mechanical ventilation system and keeping the grilles clean;
- j. fitting and maintaining draught prevention facilities, if necessary and insofar as this work does not involve considerable costs;
- k. without incurring considerable costs, replacing and renovating components and parts of the living space that can be easily replaced and which are located outside the living space of the rented accommodation, which shall in any case include:
  - parts of the letterbox;
  - parts of the exterior lamp;
  - parts of the carport;
  - parts of the flagpole holder;

- l. maintaining gardens, land, drives, and boundary partitions, in such a way that these immovable appurtenances are well looked after and are in a good state of repair, which shall in any case include:
- in the case of the first occupation of residential accommodation, the garden or land that forms part of the rented accommodation's living space: the planning of the garden or land, except the planning of drives and access paths and the installation of simple boundary partition;
  - leveling the garden and pouring topsoil;
  - regularly mowing the grass;
  - regularly removing weeds from the garden and between the slabs of drives, access paths, and terraces;
  - replacing broken slabs;
  - regularly trimming hedgerows, hedges, and shooting trees;
  - replacing dead plants;
  - replacing broken planks or segments of wooden boundary partitions, straightening up wooden boundary partitions and keeping them straight;
  - if the boundary partitions are painted or stained: regularly painting or staining boundary partitions;
- m. sweeping chimneys, exhaust, and ventilation ducts, if necessary, insofar as the tenant can reach them;
- n. cleaning and, if necessary, unblocking the plumbing up to the connection point from the living space of the rented accommodation up to the municipal sewer or the main sewer, insofar as the tenant can reach this sewer;
- o. cleaning and, if necessary, unblocking the refuse chute and cleaning the refuse container area, insofar as the tenant can reach this facility and area;
- p. cleaning the living space of the rented accommodation and the communal areas;
- q. cleaning interior and exterior window panes, window and door frames, painted woodwork, and other painted parts, insofar as the tenant can reach them;
- r. controlling vermin, insofar as no considerable costs are involved, and insofar the presence of vermin is not a result of the structural condition of the living space;
- s. regularly cleaning gutters and rainwater pipes, insofar as the tenant can reach them;
- t. regularly removing litter;
- u. removing graffiti, insofar as no considerable costs are involved and insofar as the tenant can reach this graffiti;
- v. emptying cesspits, and septic tanks.