

COMPENSATION

There are two types of compensation; payments that the landlord is obliged to make and discretionary compensation, which is a payment the landlord chooses to make. It is important to remember that whichever type you are asking for or has been offered, compensation is not a punishment or the same as 'damages' that a court might award.

If you are a local authority or housing association tenant there are certain grounds on which you may be entitled to compensation from your landlord:

Home Loss

Home loss payments may be made to tenants or owner-occupiers who have lived in their property for a minimum of twelve months and are required to move home permanently as a result of redevelopment or demolition of their home.

Disturbance

Disturbance payments may be made to people who are required to move to another property temporarily or to people who have lived at a property less than twelve months and are required to move home permanently. This payment is for reasonable moving costs.

Improvements

If your tenancy is ending and you completed improvements to your property after 1 April 1994 you may be entitled to compensation for those improvements. This does not apply to fixed-term tenancies.

Right to Repair

The Right to Repair scheme covers specific repairs, known as 'qualifying repairs' which cost less than £250 and should be done within a set time limit. If your landlord does not carry them out within that time you may be entitled to compensation. Your landlord can tell you if your repair is a 'qualifying repair'. To find out whether you might qualify for any of these payments contact your landlord for further information.

Payment for damage to your property/belongings

It is usually a landlord's responsibility to insure the building and a tenant's responsibility to insure the contents of their home. If damage has occurred to your property and you think you may want to make a claim to the landlord's insurer the best place to start is by looking at your landlord's repairs and compensation policies. If you want to pursue a claim ask your landlord for details on how to do so.

Discretionary Compensation

Landlords are expected to have a compensation policy which provides guidance on when it will consider offering compensation or a 'goodwill gesture'. If you are asking for compensation or if you have been offered a payment and you are unsure whether to accept it you may find it helpful to consider your landlord's approach to such payments by looking at its policy. If you decide to accept compensation from your landlord this does not prevent you from contacting the Ombudsman. When we look at a complaint involving compensation we will consider whether it was a reasonable offer in the circumstances of the case, including whether it was consistent with the landlord's policy.

We can't tell you whether to accept an offer, this is your decision; you may want to talk it through with someone you trust but it may help to know that the Ombudsman only orders compensation when he has found that there has been maladministration. The amount depends on the circumstances of the case and is usually for time and trouble bringing a complaint or for distress and inconvenience experienced by the complainant.