

**Case summary:
Severe maladministration finding**

**Landlord:
Golding Homes**

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Case reference: 201909246

Complaint category: Repairs, anti-social behaviour, complaint handling

The complaint

Ms R complained about the landlord's response to repairs needed to her home, reports of anti-social behaviour (ASB) from the adjoining property, works undertaken at her neighbour's property and its complaint handling. The Ombudsman has also considered the landlord's record keeping as part of the assessment.

Background and summary of events

In October 2019, Ms R wrote to the Ombudsman confirming that despite reporting the matters to the landlord it had not taken action to put things right. Ms R said the condition of the property at the start of her tenancy was "uninhabitable" and confirmed that the repair issues included damp, leaking windows and doors and rotten weatherboard.

The landlord had inspected the property on multiple occasions between 2014 and late 2018 to determine what works were required. Ms R stated that despite the landlord agreeing works were required to the property, including replacement windows and doors, the works were not planned or undertaken.

Ms R said since the most recent inspection in 2018 the landlord had not provided any updates regarding the works required to the property. The landlord had informed her in 2018 that it may choose to sell the property rather than completing the works as they were too expensive. Ms R said she did not want to move from the property and had therefore stopped reporting repairs to the landlord.

In late 2018, Ms R made a formal complaint to the landlord regarding the condition of the property and its response, requesting the landlord gift her the property so she could arrange for the repairs to be completed independently of it. Ms R said the landlord's response was unhelpful as it only listed the repairs which had been undertaken since the start of her tenancy. Ms R noted that the property was cold, the kitchen and bathroom required replacing, the electrics were old and tiles were falling from the roof.

Ms R said the landlord had ignored her reports of ASB by the neighbours (property A) who were the tenants of a private landlord. She said the ASB began in early 2019 when the neighbours moved into the property, and included noise nuisance, slamming doors and cannabis use. Despite the landlord agreeing to arrange a noise monitoring exercise later that year, she said no further action had been taken to install the equipment.

During the Ombudsman's investigation, the landlord provided records demonstrating its response to Ms R's ASB allegations. It wrote to Ms R and the private landlord following a conversation with her. The landlord advised that both parties should cease contact. The landlord's record of the conversation with Ms R noted that the noise was everyday living. The landlord advised her to report drug use to the police and to contact the local authority's Environmental Health Team (EHT) if she believed that the noise was more than "general living noise". The landlord's records also show the private landlord responded to its correspondence by saying it would discuss the allegations with the neighbours and later wrote to the resident confirming that it would contact the EHT on her behalf to organise noise monitoring equipment.

In respect of work undertaken at property A, Ms R said the landlord had not responded to her report of unsafe scaffolding erected on the property and had not investigated a repair outside undertaken by the private landlord. Ms R concluded by confirming that she believed that the landlord was not addressing the repairs or ASB to "force" her to move from the property.

Following Ms R's complaint, the Ombudsman made enquiries with the landlord, asking it to respond to the resident's complaint under its complaint procedure if it had not already done so. Despite intervention from the Ombudsman the landlord did not provide a response to the resident's complaint under its complaint procedure or provide evidence that it had done so previously within the preceding six months. The Ombudsman wrote to both parties to confirm that in the absence of a complaint response from the landlord it would accept the complaint for investigation on the grounds that the landlord had failed to progress the complaint through its complaint procedure.

Assessment and findings

Complaint handling

It is unsatisfactory that the landlord did not engage its complaint procedure and therefore provide the resident with a formal response. As the landlord had been made aware of Ms R's complaint, via the Ombudsman, the landlord should have used its complaint procedure to investigate the resident's concerns and to take action where it identified that something had gone wrong. In not responding to the complaint the Ombudsman considers that the resident was adversely affected by the inaction of the landlord. This included uncertainty, raised expectations, distress and inconvenience, and lost opportunity. The landlord's failure to provide a formal response under its complaint procedure has also limited the Ombudsman's ability to thoroughly investigate all aspects of the complaint.

Repairs

The landlord has provided its repair log for the property since the start of Ms R's tenancy. The Ombudsman can see that from 2012 to early 2019 the resident repeatedly reported repairs in respect of the windows, doors, roof, damp, mould, leaks and guttering. The majority of the repairs were marked as "complete" however no further details are given. The reoccurring nature of the repairs reported

reasonably suggests that the repairs completed did not provide long lasting or permanent solutions and that more extensive intervention was needed to resolve the issues during the period. It was unsatisfactory that Ms R was reporting the same issues in 2019 as she had raised in 2012, a period of approximately seven years.

The Ombudsman asked the landlord to provide copies of the reports following the inspections it completed. In response the landlord confirmed “no survey inspection/ survey reports found”. While the landlord did not provide any reports, it has not disputed that it completed several inspections of the property between 2014 and 2019. It is unsatisfactory that the landlord has not kept records of the inspections to demonstrate how it was meeting its repair obligations in respect of the property. A landlord should have systems in place to maintain accurate records.

While the Ombudsman has not had sight of any inspection reports, a letter from the landlord to Ms R’s Member of Parliament details how it instructed a specialist company to inspect the property to determine its condition. It indicates the inspection found that works were needed in relation to the windows, front and rear external doors, weatherboarding, rainwater goods, the rear dormer roof and “general elements of repair”. Despite the landlord confirming within the letter that it would update the resident on next steps following the inspection the Ombudsman has not seen any evidence that it did so or that any repairs have been completed or scheduled. Following the inspection, we would have expected to see proactive engagement by the landlord in order to progress the repairs to meet its repairing obligations.

In the Ombudsman’s opinion the landlord is not obliged to gift the property to Ms R so that she may complete the repairs independently of it. As a provider of social housing it would not be appropriate for the landlord to gift its housing stock as it would not be in line with its objective of providing affordable housing. The Ombudsman can see that the landlord provided her with information on Right to Buy. This was appropriate as the Ms R had highlighted a desire to own the property.

ASB

In receipt of an ASB allegation the landlord’s policy sets out it should agree an action plan to deal with the problem, however we cannot see that the landlord devised an action plan. While the landlord did not progress an action plan the landlord otherwise took steps to investigate and address the resident’s reports of ASB in line with its policy which was appropriate. This included meeting with the resident, discussing the allegations with the private landlord, signposting the resident to the police regarding criminal behaviour and offering to contact the EHT for noise monitoring equipment. As the neighbouring property was not owned or managed by the landlord, it could not consider the possibility of tenancy enforcement action. In the Ombudsman’s opinion these actions were appropriate in order to clarify the nature of the allegations and to gather evidence.

Despite offering to contact the EHT the Ombudsman has not identified a record evidencing that it did so. This is unsatisfactory as it is an action that the landlord committed to doing in order to progress the investigation into the resident’s ASB

concerns. The landlord should have systems in place to maintain accurate records to evidence the actions which it takes.

Works to property A

The landlord advised Ms R that it did not communicate with her regarding the scaffolding as the private landlord had confirmed to it that it had written to her directly about the works. While this may have been the case, it would have been best practice for the landlord to have contacted the resident directly regarding the scaffolding, although this admission alone does not amount to a service failure. However, there is no evidence the landlord provided Ms R with an outcome regarding the outside repair undertaken by the private landlord, despite visiting the property.

Determination (decision)

We found there was severe maladministration by the landlord in respect of its complaint handling and maladministration in respect of its response to the resident's report of repairs needed to the property. We also found maladministration by the landlord in respect of its record keeping.

We found service failure in its response to reports of ASB and service failure regarding Ms R's concerns about work undertaken at property A.

We ordered the landlord to:

- apologise
- pay £2,500 in compensation including £700 in respect of its complaint handling and £1,400 in respect of its repairs service
- set out the steps it will take to meet its repair obligations in respect of the property, including timescales in relation to actions identified.

We also recommended the landlord to:

- share the Ombudsman's Complaint Handling Code with staff members and repeat the self-assessment exercise to ensure that its complaint procedure complies
- review its record keeping to ensure that appropriate systems are in place to maintain accurate records in relation to a property and tenancy so that it can demonstrate and support the decisions it makes
- report back to the Ombudsman on any lessons learned from this case.