

# **A GUIDE TO THE TENANCY REDRESS SERVICE**

A service to help tenants of member landlords resolve disputes with their landlord during a tenancy.

## TENANCY REDRESS SERVICE

The Tenancy Redress Service, operated by The Dispute Service Ltd, is dedicated to resolving mid-tenancy disputes between landlords and tenants, with the goal of helping to sustain and maintain successful tenancies.

This Guide sets out how the Tenancy Redress Service works.

Landlords who sign up to this voluntary Tenancy Redress Service understand that they are doing so on a voluntary basis.

Participating landlords should ensure that they provide each of their tenants with a copy of this Guide.

### Who are the Tenancy Redress Service?

The Tenancy Redress Service is operated by The Dispute Service, a not for profit company limited by guarantee, which exists to offer tenancy deposit protection, dispute resolution and redress. We operate the Tenancy Deposit Scheme, SafeDeposits Scotland and TDS Northern Ireland as tenancy deposit schemes, all of which operate under Government contracts.

### How are we authorised?

We are authorised by the Ministry of Housing, Communities and Local Government to offer our tenancy deposit protection service and dispute resolution service for landlords, agents and tenants. Our subsidiary companies in Scotland and Northern Ireland are similarly authorised by the respective governments in these countries.

- ✓ **The Dispute Service is a complaint handler member of the Ombudsman Association [OA] and the New Homes Ombudsman Service is a full Ombudsman member of the OA.**
- ✓ **We are authorised by the Chartered Trading Standards Institute as an Approved Provider of Alternative Dispute Resolution for both The Dispute Service and the New Homes Ombudsman Service.**
- ✓ **We have accreditation with the British Standards Institute ISO 10002 Customer; Satisfaction [Complaint Handling]**
- ✓ **We hold the Government's Customer Service Excellence Award.**



## Our people

We have a very experienced team of dispute resolution experts and adjudicators who work on tenancy deposit disputes, conciliation, mediation and redress. All of our adjudicators are Associate members of the Chartered Institute of Arbitrators.

## COMPLAINTS WE CAN RESOLVE

### Tenancy Redress Service Code of Practice of Tenancy Redress Service Code of Conduct

We can resolve complaints related to the Tenancy Redress Service Code of Conduct which covers the following four areas:

#### 1 Marketing a property

- All advertising and marketing material must be clear, legal and truthful
- Advertising material must not aim to mislead, give a false impression or misdirect
- Wherever possible, advertising materials should include reference to Tenancy Redress Service Code of Practice

#### 2 Creating a tenancy

- Tenants to be provided with a written statement of the tenancy terms
- Where possible, terms should be provided far enough in advance of the proposed contract start date, to allow prospective tenants to get any relevant advice
- Reasonable efforts must be made to help prospective tenants understand the terms of their tenancy

#### 3 Maintaining a tenancy

- Tenants should be shown respect
- Data / 'GDPR' requirements must be complied with
- Provide all communication promptly
- Provide all relevant contact details
- Attend to all reported issues of disrepair without unreasonable delay
- Take all reasonable steps to make sure that residential property remains fit for human habitation for the length of any tenancy

#### 4 Ending a tenancy

- There must be no harassment or actions that could constitute illegal eviction of tenants
- The correct legal procedure must be used to end a tenancy, including correctly communicating the reasons for ending the tenancy

#### How does the Tenancy Redress Service deal with repair issues?

The Tenancy Redress Service will allow a tenant to report a repair request to us after they have previously reported it to their landlord and waited a reasonable period of time for a response or action.

- This repair request will then be sent to the landlord by us so the landlord is aware the tenant is unhappy with the action taken to date.
- If the landlord does not complete the repair to a suitable standard the tenant will have an audit trail that the report was requested formally and in good time. The Tenancy Redress Service will signpost the tenant to either the local authority or recommend that they take legal advice if the repair issue does not get resolved directly.

#### How does the Tenancy Redress Service deal with complaints when the landlord has used an agent?

Agents are required by law to be a member of either the Property Redress Scheme or the Property Ombudsman. If the complaint is about the direct actions or behaviour of the agent then the tenant should raise their complaint with the redress scheme the agent is a member of. If the agent has stated that the issue has been caused by the landlord's action (or inaction) then the complaint can be raised against the landlord and the Tenancy Redress Service will investigate the most appropriate way to resolve it.

### HOW COMPLAINTS ARE DEALT WITH THROUGH TENANCY REDRESS

#### What should a tenant do before raising a complaint with the Tenancy Redress Service?

A tenant should raise their issue directly with the landlord first and then allow a reasonable period of time for the landlord to respond. This period of time will depend on the seriousness of the issue so instead of providing a specific time frame the Tenancy Redress Service will look at the circumstances to decide if the amount of time waited was reasonable before the tenant raised their complaint.

#### How does a tenant raise a complaint with the Tenancy Redress Service?

The tenant must have been told that the landlord is participating voluntarily in the Tenancy Redress Scheme. The tenant will be able to use the online platform at [www.tenancyredress.com](http://www.tenancyredress.com). The tenant can set out the issues and explain what resolution they feel is suitable.

#### What happens then?

The Tenancy Redress Service will check the complaint and contact the tenant to confirm their understanding of the complaint. If the complaint is not something that we can deal with, through the redress service, the tenant will be signposted to a suitable alternative. The Tenancy Redress Service decision will be final.

If the complaint can be investigated, the next step will be to inform the landlord, who will be asked to either resolve the matter directly within a suitable timescale or provide their reasons why the complaint has no merit or that an alternative resolution would be more suitable.

#### What involvement will the Tenancy Redress Service conciliator have if the complaint is accepted?

The Tenancy Redress Service will first try to reach a suitable resolution between the parties. Initially the Tenancy Redress Service will seek to resolve the issues by contacting both the landlord and tenant to see if there is a mutually acceptable way to resolve the complaint.

#### What if the complaint cannot be resolved through conciliation or mediation?

If the dispute cannot be resolved in this way then, depending on the issues raised the Tenancy Redress Service may need to request evidence from the landlord before passing the complaint to an adjudicator to provide a written explanation of how the complaint should be resolved or signposting the parties to a more appropriate method for resolving the issues. There is no right of appeal to the decision of the adjudicator.

#### What if the complaint is just about repairs?

The tenant's request will be sent to the landlord to deal with. We are not surveyors and will not visit the property so are reliant on the parties' raising issues and resolving them in good faith. If the tenant remains dissatisfied then they will be signposted to the local authority or recommended to take legal advice.

**What kind of recommendations or awards can be made by the Tenancy Redress Service?**

The adjudicator will look at the issues in the complaint that require resolution. A recommendation may include an apology, some positive action by the landlord such as providing documents, or a small financial award.

Any award made by the adjudicator is likely to be in respect of an action that was lawfully required by the landlord and/or a compensatory payment to cover any distress or inconvenience caused to the tenant.

**COMPLYING WITH DECISIONS****What happens after the Tenancy Redress Service has made a recommendation or decision on a complaint?**

The landlord will be given a timescale to comply with our findings. If the tenant informs us that the landlord has not done this, our Director of Resolution will be informed and decide what action to take.

**CONFIDENTIALITY****What confidentiality matters are relevant?**

- We may use any information provided when investigating a complaint, as long as it is relevant
- We will always consider specific requests received, for disclosure
- We will act in line with all General Data Protection Regulations (GDPR) and all other data protection laws
- We will take all reasonable steps to make sure our staff keep any information we receive confidential during an investigation, whether or not it has been sent (by agreement) to the other party
- When the person making a complaint provides certain personal information, they accept that this gives authority to the landlord member to use this personal information when responding to the complaint
- The parties agree that evidence may need to be provided and using this evidence for the Tenancy Redress Service

**Landlords and tenants agree and accept the following:**

The Tenancy Redress Service Guide may be updated from time to time and the parties agree to abide by the latest version of the relevant document.

All staff of the Tenancy Redress Service are to be treated with respect and the Tenancy Redress Service decisions on accepting a case and how a case should proceed will not be open to challenge.

