

## Students, access to premises, duty of care/poor service

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**Resolution requested:** Compensation for the time spent sorting out the problems and distress

**Award:** Compensation of £360 for the delays, poor service and lack of information

**Resolved by:** Proposed decision

### What happened?

#### The tenant said:

- In January they became aware that tenants of other flats in the block had access to their flat, having been given keys previously for viewings
- They also discovered that they themselves (four tenants) had access to each other's bedrooms in the flat
- They emailed the agent several times before receiving a reply and then only a new front door lock was fitted
- They were still concerned that tenants from previous years also had access to the building and the gate code, so requested these all be changed to give them security
- This took many more emails and another six weeks before this was done, during which time they were anxious about their safety
- The agent has not responded to other questions and issues, including their own bedroom locks and details of the correct licences

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Note: We recognise that cases vary and the outcome will depend on the interpretation of the evidence provided.

- They were unable to find details of the agent's redress scheme on their website. Being full time students on placement none of them were able to attend the offices to see if the details were displayed there
- Having complained about the delay to the agent, it took another seven emails for the agent to let them have details of the redress scheme

The agent responded, saying that:

- They do not normally change locks for students but did on this occasion, accepting that other students in the building should not have access to another property, but the lock change took some time to organise
- The students are all friends and changing their bedroom locks was not considered necessary
- No other students have ever complained about the keys and security in the block
- They agreed to change the building and gate codes which was more than actually necessary
- These tenants have been very difficult and were rude and aggressive to the agent and his staff

What evidence was provided?

Tenancy agreement, emails, contractors' invoices for the work

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### What was decided and why?

1. The delays by the agent, in changing the main lock to the apartment, were unnecessarily long
2. There was no evidence to show that any action had yet been taken to secure each individual's room in the property
3. The email evidence:
  - i. supported the tenant's claim in relation to the time it took the agent to respond to the tenant's requests
  - ii. did not show any rudeness or aggression from the tenants; only frustration at the delays and lack of responses
4. The agent did not refer to their own complaints procedure or give any reason for withholding the redress scheme details
5. All tenants are entitled to peaceful and quiet enjoyment of the property they are living in, and this includes their individual rooms
6. Agents have a duty to respond to tenants in a reasonable and timely manner and provide details of the redress scheme together with their complaints procedure at the start of a tenancy
7. Taking all this into account, the agent was directed to:
  - i. Make sure each tenant's room was fitted with its own individual lock
  - ii. Pay compensation of £100 for the delays and inconvenience incurred during the six weeks it took to rectify the main lock to the apartment
  - iii. Pay compensation of £100 for delays in responding to other questions, issues and general poor service
  - iv. Consider their formal complaints procedure and make sure it is transparent and complies with all the rules

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### How can you avoid this happening in future?

- Always deal with issues as and when they arise and do not ignore any problem
- If you are busy, send a holding email, letting the tenant know you have received their email and that you will respond shortly
- Manage your tenant's expectations - if something is going to take longer than expected, let them know and tell them the reasons why
- All agents and landlords owe a duty of care to their tenants and to take their concerns seriously. Just because a problem has not occurred in the past, does not mean there's not a problem now
- Under our Terms of Reference (section C), every agent is required to:
  - ✓ Give a copy of their internal complaints process to all consumers. This should also be available online and available to all consumers who ask (see our model complaints process on our website, if you do not have one).
  - ✓ Display our window sticker in all offices
  - ✓ Display our logo and link on your website

For PRS – laws, codes etc refer to the guides on our website | [www.theprs.co.uk](http://www.theprs.co.uk)

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