

## Case Study

# Damp and mould



### Topic

Mould due to agent's lack of managing property

### Resolution requested

Compensation for work required to make good

### Awards

£550

### Resolved by

Proposed decision

### The landlord said:

- the agent was paid for a fully managed service as he lives abroad
- there is no evidence of any inspections being carried out during the two-year tenancy
- the tenancy has ended and the property has mould growth all over the bathroom, bedroom and kitchen
- he has asked the agent to send details of what they do for their management fee but he has not had any reply
- the agent either delayed or did not respond to any other emails asking for information about his property

### The agent responded, saying:

- they did carry out periodic inspections and there was no problem with mould growth at the times they carried out these inspections
- their communication with the landlord could have been better but they did reply to his email enquiries
- they have requested the tenancy deposit scheme release the deposit to the landlord to pay for repairs/redecoration needed

### Key evidence

Management agreement, emails, periodic inspection reports, tenancy deposit claim release form.

## What was decided and why?

### Inspection reports

1. The management agreement confirmed that periodic inspections would be carried out three times a year
2. Periodic inspection reports were only provided for sixteen months of the two-year tenancy, with an absence of any reports for the last eight months. The last of these recorded some black spots around the windows and in the bathroom with no subsequent reports
3. This gap was enough time for the mould to form and the agent was found to have provided a less than expected level of service

### Replies to emails:

4. The lack of response to numerous emails from the landlord and the length of time it took to reply to others show a poor level of communication and service
5. While the agent, who had protected the deposit as part of the management agreement, had made a claim for the deposit to be paid to the landlord to cover the damage, the lack of inspections and response to information requested by the landlord had led to an unnecessary increase in the damage and distress caused
6. The tenancy deposit scheme considered the claim raised against the tenant's deposit and found that the agent was aware of the mould growth eight months before the end of the tenancy and took no action. As no evidence was provided to show that the mould was either due to the tenant's lifestyle nor due to structural defect, or another reason that would be considered the landlord's responsibility, they did not find it reasonable to award a deduction from the tenant's deposit to the landlord for any work required to repair the mould damage
7. The landlord provided invoices to show it cost £150 to paint over the mould, using mould resistant paint and they asked the agent to cover this cost

Due to the lack of inspections, information and responses to the landlord's emails, the landlord was awarded £550 in total. This included compensation for the agent's lack of care and poor service and the landlord's costs for the repair work, taking into account the agent not reporting the issue to the landlord, allowing it to get worse over the eight-month period, without any action being taken.

## How can you avoid this happening in future?

- ✓ We are unable to address issues that are best dealt with by other resolution providers, (in this case the tenancy deposit scheme) and agents, as stakeholders, should act on both their landlord and tenant's behalf as appropriate. Our authority is limited to investigating the level of service provided by the agent to their landlord where a fully managed agreement is in place
- ✓ Agents have a duty of care, when managing a property, to carry out all the tasks listed in the agreement, and at the time they are agreed
- ✓ Agents should advise their landlord client of any issue that requires attention during the management period
- ✓ Agents have a duty to respond to their landlord client's requests for information about their property at all times and in a timely manner

For more information on managing damp and mould, read [Total Landlord's ultimate guide to damp and mould](#) and [mydeposits case study on damp and mould](#).

## Contact Us

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