

Summaries of complaint cases concerning neighbour disputes and anti-social behaviour, and related issues

Upheld

April 2012 – Cymdeithas Tai Eryri

Mrs Y complained about how Cymdeithas Tai Eryri (“CTE”), a Housing Association, dealt with her complaints of Anti-Social Behaviour (“ASB”) against her neighbour, Mr X (a tenant of CTE), and his visitors. Mrs Y complained that CTE’s responses to her letters had been inadequate. Mrs Y was also aggrieved about other issues related to CTE’s handling of this matter. Mrs Y said that her health had suffered, and that she had suffered emotionally, mentally and financially because of this matter.

The investigation found that CTE had acted in accordance with its ASB policy and procedure, and had not acted unreasonably in dealing with Mrs Y’s complaints of ASB against Mr X and his visitors. This aspect of the complaint was not upheld. However, CTE had failed to properly respond to Mrs Y’s letters, and had failed to provide her with a written copy of its complaints procedure in a timely manner. Those aspects of her complaint were upheld.

It was recommended that CTE apologise to Mrs Y for the shortcomings identified by the investigation and respond to the issues reasonably raised by Mrs Y in her letters to it.

Case reference 201002124

September 2011– Isle of Anglesey County Council

Mrs A’s main complaint related to delays in the Council completing repair works at her council property. For example, Mrs A highlighted that when she and her late husband moved into the property they subsequently found that the electric fire had not been connected to the electrical point. She complained that there was a delay in the Council rectifying the matter. Mrs A also referred to the drainage problems that she had experienced at the property. She expressed dissatisfaction that the Council had not carried out a camera survey of the pipework earlier than in fact happened as she felt that it would have identified breakages in the sewerage pipe. Finally, Mrs A expressed concerns about the installation of the gas central heating system.

The Ombudsman’s investigation concluded that the fact that the fire was not connected should have been identified prior to Mr and Mrs A’s occupation. To that extent Mrs A’s complaint was upheld. However, following investigation no further aspect of Mrs A’s complaint was upheld.

Case reference 201001177

August 2011 – Cardiff County Council

Ms B, an owner occupier in a mixed tenure block owned by the Council, complained that it had taken no action/timely action against tenant neighbours, Mr H, Mr C & Ms E about whose behaviour she had complained. In particular, Ms B complained that the Council had delayed in/failed to:

- issue proceedings and ensure Mr H's eviction sooner;
- deal with her complaints against Mr C & Ms E including complaints that they left communal hallway windows open;
- investigate whether Mr C was occupying his tenancy;
- keep her informed / supply her with incident diaries quickly enough; and
- that the Council's ineffective management of the block had resulted in her annual service charges increasing. Finally, Ms B also complained about the Council's decisions on allocating vacancies in the block.

The investigation found that the Council had acted on the complaints made by Ms B and had followed its own policies and procedures in relation to Mr H. Internal legal advice had been sought and evidence showed that possession proceedings were issued/concluded overall within a reasonable time. That complaint was not upheld.

In relation to the remainder of the complaints, it was noted that it was not for the Ombudsman to decide whether someone should be evicted or not. However, whilst reminders were sent about tenancy conditions and behaviour within the block, a delay was found to have occurred in relation to complaints about Mr C & Ms E; probably because of the focus on Mr H's court action. There had also been communication failings and a delay in supplying Ms B with the incident diaries (which the Council had apologised for). Those complaints were upheld, although it was not for the Ombudsman to decide that the evidence either warranted possession action against Mr C or Ms E, or to predict what, if taken, the outcome might have been.

The complaint about windows being left open and the occupation of Mr C's flat were not upheld. Evidence demonstrated that no reasonable action, other than as taken by the Council, could be taken concerning common parts windows, and that Mr C's occupation of his flat had been investigated. The remaining complaints were not upheld as the Ombudsman could not get involved in service charge levels, but he reminded the Council that it would be unfair to pass on to Ms B (or other leaseholders) the cost of remedial work necessary because of an unidentifiable tenant's actions. Allocation decisions were for the Council to take, in accordance with law, and the Ombudsman could not get involved.

The Council accepted the Ombudsman's findings and recommendations that included an apology to Ms B and redress of £150 for the identified delay and communication failures. Any formal recommendation about its policy/related procedures was not required as they had been made in other complaints already investigated by his office (covering the same time frame as the events in Ms B's complaint).

Case reference 201000852

Not Upheld

September 2011 – Cardiff County Council

The complaint related to the manner in which the Council responded to allegations of noise nuisance and ASB by several of its tenants. Having considered evidence from the complainant, the Police and the Council, the Ombudsman concluded that there had been no maladministration in the Council's handling of the complaints that had been reported to it. He therefore did not uphold the complaint.

Case reference 201001171

May 2013 – Cartrefi Conwy

X, a tenant of Cartrefi Conwy Cyf ("CC"), complained that it had taken no action/timely action against tenant neighbours, about whose anti-social behaviour (ASB) he had complained (including potential criminal offences). He also complained that it had failed to re-house him, failed to offer him temporary accommodation and failed to investigate alleged benefit fraud on the part of the neighbour.

The investigation found that CC had investigated the complaints made. It had undertaken visits but there were no complaints from others. X was reluctant to give evidence. The police had been informed about matters of a criminal nature complained about and the relevant council asked to investigate the benefit issue. Neither found any or sufficient evidence to take action. CC had taken a number of other steps. It offered to install noise monitoring equipment (refused by X) and wrote to all occupants to remind them about tenancy conditions. CC also liaised with the relevant council's homelessness department (to ascertain if it might help X) and with a council in England when X wanted to move there (he later changed his mind). Finally, it had offered to assist X with a transfer to another CC property, but X failed to engage to complete a form.

Ultimately, CC offered X a property as part of its incentive scheme to tenants, such as X, likely to be affected by the government's housing benefit changes, which offer X accepted (commended as an example of good landlord practice). Whilst there was some criticism of CC in some instances failing to comply with its documented procedures, the Ombudsman found that in the circumstances these would not have affected matters. X's complaint was **not upheld**.

Case reference 201201526

Quick fixes

July 2013 — United Welsh Housing Association

Ms A's complaint concerned possible breaches of tenancy by one of her co-tenants, whose behaviour had been causing her a serious nuisance. Ms A's complained that her concerns had not been addressed by the Housing Association as her landlord.

Upon receipt of the Housing Association's initial response to the complaint, the Ombudsman made contact to express some outstanding concerns with the action that it had taken to date. As a result, the Housing Association also agreed the following;

- review the management agreement with all 35 of its managing agents to ensure that there are appropriate mechanisms for complaints/concerns to be notified at the earliest available opportunity and that compliance with this is monitored;
- arrange a review meeting with the managing agent to satisfy itself that Ms A and her co-tenants are appropriately supported in complying with the conditions of their tenancy agreement. In particular to ensure that the work with all three tenants around respect for each other that has been outstanding since June 2012 is undertaken.

Case reference 201204789