Ask the Housing Ombudsman Event

# 23 October 2023

**The table has a list of questions raised by residents who attended the event online and the answers given by the Ombudsman**

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| **Question** | **Answer** |
| Many residents in Tower Hamlets live in council or housing association run properties that are used as temporary or emergency accommodation as those people or families are homeless. Some people remain in this accommodation for months or even years. If you live in social housing you are protected by a certain standard. Does the Housing Ombudsman expect or hold Tower Hamlets to account to meet any standards on temporary accommodation? It seems this is the most expensive type of accommodation and yet often has the lowest standard. | There are requirements that all homes are fit for human habitation at the start of a tenancy and throughout. This is set out in s.9A of the Landlord and Tenant Act 1985. Temporary accommodation that is provided by the council, does not usually fall within the remit of the Housing Ombudsman – this is because it is the council exercising a statutory duty under part 7 of the Housing Act 1996 (homelessness provisions) to provide that accommodation. In those cases, the accommodation must be suitable for the needs of the homeless person. The statutory Code sets out what suitable means. In most cases if a tenant in temporary accommodation provided by the council has a complaint – they would usually raise it would the Local Government and Social Care Ombudsman. If the temporary accommodation is provided by a housing association – we may investigate it if it does not relate to the suitability of the property. We expect that such accommodation meets the requirements of being fit for human habitation and that repairs are completed promptly.  |
| If you live in temporary accommodation and have mould, do you still have the same right to come to the Housing Ombudsman?  | This depends on who provides the temporary accommodation. If it is provided by a private landlord – then the answer would usually be no. If the property is owned and provided by the council, then the complaint would be to the Local Government and Social Care Ombudsman. If the temporary accommodation is owned by a housing association – then the resident may complain to us about the condition of the property but not the suitability of the placement.  |
| If mould is growing on your walls, can you bring a complaint to the Housing Ombudsman? | Yes. We expect residents to allow the landlord to respond first to try and put things right. We set high standards of landlords when it comes to damp and mould. These are set out in our damp and mould report. The Ombudsman is only able to investigate, however, where the landlord’s complaint procedure has been exhausted. If you are having difficulty getting a response, you can contact our dispute support team for assistance.  |
|  I have a son with a disability and I also have a health condition and I cannot get the landlord to put in a toilet/bathroom. I am finding it so hard to get him on off the toilet, clean him and wash him as he is 14 and the space is so small and I cannot get it knocked into one to improve our situation. Is this something the Ombudsman can help with? | If you have had an occupation health therapist’s report – your landlord is obliged to make reasonable adjustments to your home. The landlord should consider the changes required and can help you make an application for a disability funding grant from the local authority. If your landlord fails to complete the work in the OH report, the Ombudsman can find the landlord responsible for maladministration. The landlord is entitled, however, to try and source you an alternative home if it cannot make the reasonable adjustments you require. This could include you being put on the housing register. The Housing Ombudsman cannot look at your banding or priority. That would be for the Local Government and Social Care Ombudsman. We can investigate if the landlord fairly considered the OH report and took reasonable steps. You would have to complete the landlord’s internal complaint procedure in the first instance.  |
| What’s the Ombudsman view on leaseholders being charged for paladin bin hire without tendering or the landlord examining whether better value could be achieved by buying rather than renting bins? | The landlord’s obligations in respect of tendering and consultation are set out in section 20 of the Landlord and Tenant Act 1985. This states that landlords must consult where the cost of any work or costs would be more than £250 per leaseholder. If this is a variable service charge you would be able to find more information from the Leasehold Advisory Service (LEASE). You can ask the tribunal to consider whether the charge is ‘reasonable’ and ‘reasonably incurred’ under s.27A of the Landlord and Tenant Act 1985.  |
| We have been told we need a ground floor property due to our health and mobility yet every week I am being offered accommodation above the ground floor. I don't know what else I can do to help myself and son to have a better quality of life. Can the Ombudsman service help with this? | This depends on who is making the officer to you. If this is the council and you are homeless or you have a reasonable preference to move to a different home; then this will be for the Local Government and Social Care Ombudsman. If this is a management transfer, it will be for the Housing Ombudsman to look into. You would have to exhaust your landlord’s complaint procedure in the first instance.  |
| Tower Hamlets are the freeholder of our building. Major works were completed in June 2020 and they are STILL unable to give us the final costs. The estimate has more than doubled since then. Our lives are on hold. There needs to be better KPIs and accountability from Tower Hamlets. What can the Ombudsman do about this? | The Landlord and Tenant Act 1985 sets out an ’18-month rule’. Section 20B states that landlords must notify you of service charge costs within 18 months of them being incurred. The Housing Ombudsman cannot investigate complaints about the level of service charges or their increase. Disputes over the level and reasonableness need to be considered by the Tribunal (if the charges are variable) or the court (where the charges are fixed). We can, however, look at whether the landlord has acted fairly in all the circumstances in respect of how it handled the charge, including the information it provided to residents and whether it updated residents appropriately updated. If we think the landlord has acted unreasonably, we may say that it must do something to put things right. In order for us to investigate – you need to have exhausted the landlord’s complaint procedure.  |