

UNIVERSITY OF
WESTMINSTER



Institute for
Global City
Policing



Social housing rent increase appeals – a guide on the routes to justice through the tribunal and the ombudsman

This booklet is part of a research project to understand pathways through the justice system for people with housing issues. Marta is a made up example to help explain how – in an ideal case – she can access help from advice providers, the Housing Ombudsman or the Property Chamber.

Here you can find the accompanying report and map:

<https://www.nuffieldfoundation.org/project/delivering-administrative-justice-after-the-pandemic>

Marta is 40 years old, a single mother of two living in social housing, who has been struggling to pay her housing costs since Covid-19 hit.



Because Marta lives in social housing, her landlord is a housing association. She has experienced difficulties with paying her rent since Covid 19 hit, which caused her to lose her job. She was able to continue with most of her regular payments.

She has now found a part-time job and been able to clear some of her arrears and pay the ongoing rent. However, her landlord has now given notice that the rent is to be increased and Marta cannot afford it.



Marta wants to find out what she can do about this. She asks her friends and searches online. Marta wants help to deal with the proposed rent increase by her landlord.



TO DO LIST MONDAY

Book Appointment
with Advice Agency



Marta comes across an advice organisation and arranges an appointment with them to find out how they can help her with her problem.

The advice organisation provides Marta with advice and explains where she can apply for extra support.



Housing Association Landlord



Marta also talks to her housing association landlord about her situation. They are very unhelpful. They tell her that they are short of staff and that she has no choice but to pay the increase to the rent. They say that, if she refuses to pay, they will consider repossessing her home.

Marta raises a complaint to her landlord about how she was treated.

Now Marta has several options to seek help. The advice organisation will assist Marta to choose the pathway that is best for her specific problem.

The advice organisation advises Marta that there are two possible options. The first is the Housing Ombudsman, the second option is the Property Chamber.

First, we will accompany Marta to the Housing Ombudsman.



Marta feels that her complaint is not being dealt with correctly by her landlord. She goes to the advice organisation for help.

An advisor explains that the Housing Ombudsman can help and make sure that her complaint is dealt with properly.



Marta needs to wait for 8 weeks before she can complain to the housing ombudsman, after having tried to solve her problem with the housing association directly. This was unsuccessful and she submits her form online to the Housing Ombudsman. Marta can also go through her local MP, a local councillor or a tenant panel to reach the Ombudsman but Marta decides to skip these steps and go straight to the Ombudsman.



After the complaint handlers at the Ombudsman have checked Marta's complaint, the Housing Ombudsman works with Marta and her landlord to resolve the dispute.

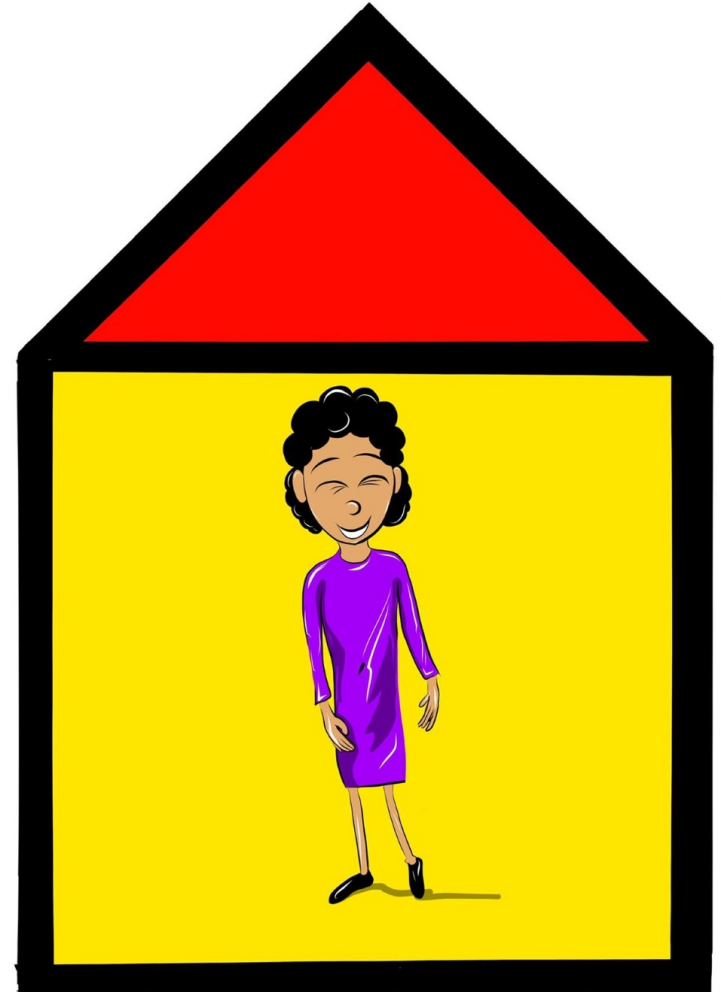


Marta waits for a decision from the Ombudsman.



The Housing Ombudsman reaches a decision: They suggest to the landlord to resolve the issue. They encourage the landlord to give Marta longer to pay the arrears and to reduce the increase in rent to the original rent.

In this example, Marta has a successful outcome and she is happy that she no longer needs to pay a higher rent.



The other option for Marta is to bring her appeal to the property tribunal .





Marta's complaint to the housing association landlord is unsuccessful. So, the advice organisation helps her figure out what to do next. She can take her problem to the Property Chamber which is a Tribunal, but first she tries mediation to see if they can agree without the need for a judge.



A housing mediation service tries to help Marta and her landlord reach an agreement, but they are unsuccessful.

Marta appeals to the Property Chamber for a decision about the proposed rent increase. Marta needs to fill in a form to make the appeal. She downloads the form from the "HM Courts & Tribunals Service" website. She fills it in and posts it. Marta can also email the appeal form and additional evidence but she preferred to fill in a paper based form and post it.

Usually there is a fee of £100 to pay, but there is a "fee waiver" available for those who need it. The advice organisation help Marta get the fee waiver, so she does not have to pay the £100.



Marta waits to hear back from the Property Chamber.

The Property Chamber checks Marta's form, the extra attachments she sent with it and her availability. It then gets back to Marta with a timetable for her case, the date of her hearing, and some extra information about the hearing.

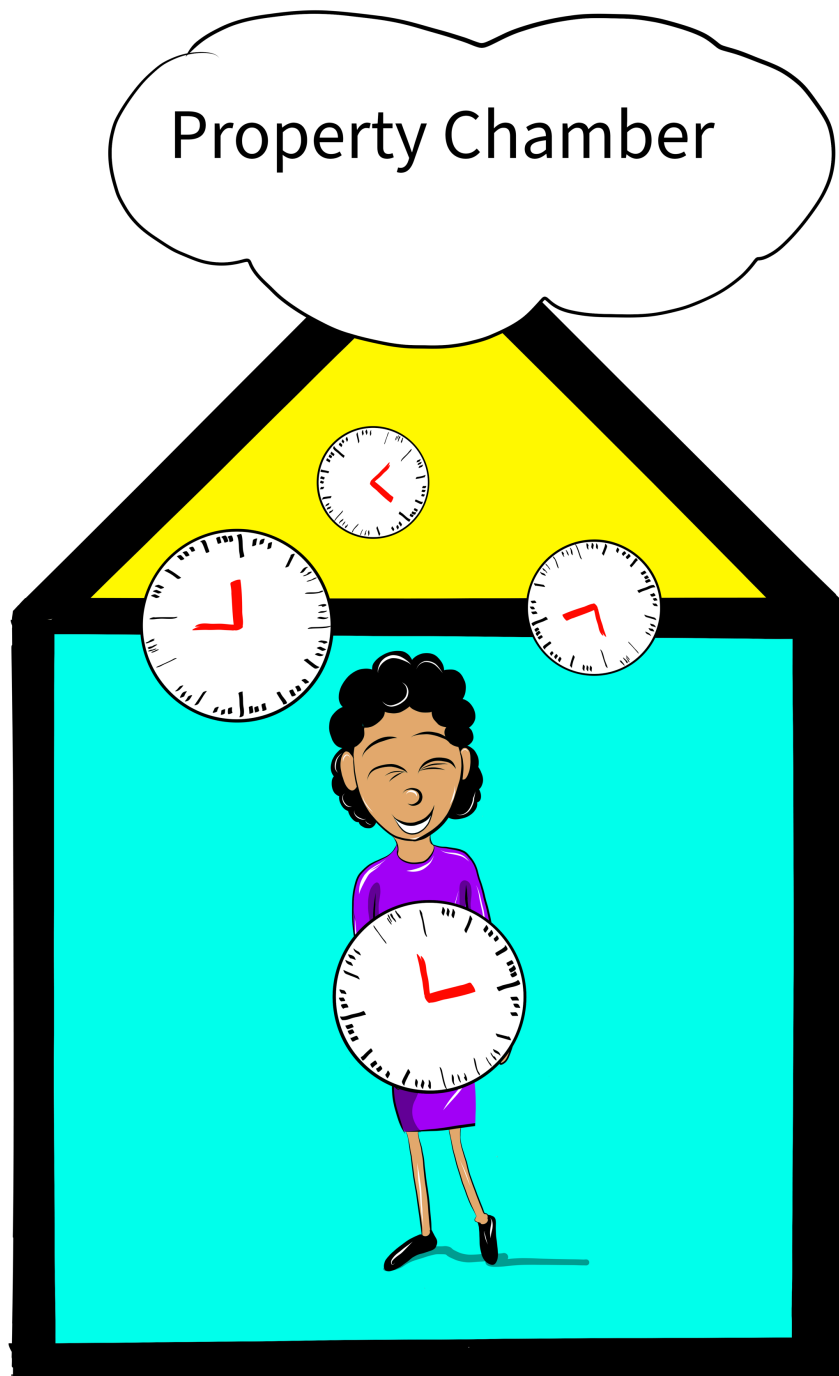
The hearing is arranged to take place by video. Marta is confident with computers so she is happy with this. But she is told that she can go to the tribunal in person if she would prefer.



Marta attends the hearing at the tribunal. The people who are in charge of the hearing and who will decide the case are there. They are called the "panel", and are made up of one judge and one or two other people who know about housing issues.

A local authority representative is also at the hearing.





The Property Chamber write to Marta to tell her their decision and send a copy of their decision to the landlord.

The Property Chamber decides that the increased rent is more than it would be for similar properties and that the increase would be unreasonable. It decides her current rent is accurate and Marta therefore does not need to pay the increased rent.

We hope you found this booklet useful in helping you understand the pathways you can take to resolve your problem.

For more information on the research and our outputs, please have a look on the project webpage:

<https://www.ucl.ac.uk/jill-dando-institute/research/institute-global-city-policing/igcp-research/igcp-delivering-administrative-justice>



UNIVERSITY OF
WESTMINSTER



The project has been funded by the Nuffield Foundation, but the views expressed are those of the authors and not necessarily of the Foundation. Visit www.nuffieldfoundation.org