

TPO Complaints Form - Lettings



TPO Reference:	
----------------	--

This is the form you need to complete if you want The Property Ombudsman to look at your complaint.

- Remember – you must have complained to the Letting Agent **FIRST** and unless the agent has failed to deal with your complaint, you should have received a final viewpoint letter from the agent.
- The Ombudsman can **ONLY** deal with those complaints that you have **ALREADY** put to the letting agent.
- If you need any help in completing this form, please see the “Tips” on the last page. Alternatively, telephone us on 01722 333306 **selecting**

option 1 and we will do our best to guide you.

- If you need any information or a copy of this form in a different format, eg Braille, large print or another language, please let us know.
- If you have a particular need in the way in which we need to communicate with you, please let us know and we will do our best to help, depending on your needs.
- You can **DOWNLOAD** this Complaints Form from our website at www.tpos.co.uk

Part 1 - Your Details

First name:			
Surname:		Title:	
Address for correspondence (including postcode):			
Occupation:			
Daytime phone no:			
Mobile no:			
Home phone no:			
E-mail:			

I am complaining as (please tick the relevant box):

Tenant

Landlord

Part 2 - The letting agent and property concerned

Name and branch address of letting agent:	Address of property concerned:

Part 3 - My specific complaints against the letting agent are

Please state precisely each separate type of complaint that you have.

Please do NOT say "See attached papers" or similar. It will help the case officer if you set out your complaints against the agent as clearly as possible.

1	
2	
3	
4	
5	

If you need more space, please continue on a separate piece of paper and attach it to this form.

- NB. 1. The Ombudsman can ONLY deal with the complaints that you have already put to the agent.
 2. The details and supporting evidence should be included in parts 6 & 7.

Part 4 - We also need to know

1. Have you made a complaint through the agent's internal complaints handling process? Yes No If YES have you received a response from the agent? If YES what is the date of the agent's final viewpoint letter? If NO , you must go back to the agent and follow his internal complaints procedure.	Yes	No
2. If you are a landlord have you paid the agent's commission fees? If YES or in part how much? £.....	Yes	No
3. Goodwill offer. Has the agent made you one? If YES , how much was the offer? £..... Did you accept the offer? If you have accepted it in full and final settlement we cannot look at your complaint.	Yes	No
4. Has your dispute been referred to any other body? Court <input type="checkbox"/> Trading Standards <input type="checkbox"/> OFT <input type="checkbox"/> NAEA or ARLA or RICS <input type="checkbox"/> Other <input type="checkbox"/> If YES , please indicate which body and provide the relevant documentation.	Yes	No

Part 5 - I would like the letting agent to

Please state what you think the Letting Agent should do to put things right.

Part 6 - The outline case history of my complaint

If you are a tenant (or potential tenant) you may wish to include all or some of the following – as applicable:

- Tenancy Agreement
- Communication with the agent
- Invoice
- References
- Statement of rent account
- Inventory/schedule of condition
- Completed complaints process (their final viewpoint letter is attached).

If you are a landlord (or potential landlord) you may wish to include all or some of the following as applicable:

- Management Agreement
- Terms of Business
- Lettings particulars
- Letting board
- Offer made – accepted
- Offers satisfactorily handled
- Communication with Agent
- Statement of rent account
- Inventory/schedule of condition
- Commission Invoicing
- Completed Complaints
- Process (their final letter is attached)

This is your chance to tell your side of what happened and to explain why you have made your complaint. We really need you to make a clear statement of your complaint, it is not sufficient to simply refer to attached correspondence, as we may not interpret your concerns fully.

To help you, some of the actions that you may wish to refer to are shown on the left. Please give a brief summary of the relevant key events of the transaction or dispute and be as specific with the details as you can (eg dates, times, names).

If you would prefer to type or write this on a separate page, please do so.

Part 7 - I am providing the following supporting evidence

Please attach all correspondence between yourself and the letting agent that you consider relevant.
Please indicate by ticking the box which documents you are sending with the Complaints Form to the Ombudsman.

The Tenancy Agreement	<input type="checkbox"/>
Landlords / Agents Terms of Business / Management Agreement	<input type="checkbox"/>
Check in Reports; signed inventory and a signed schedule of condition	<input type="checkbox"/>
Vacating instructions	<input type="checkbox"/>
Schedule of costs, together with estimates, invoices, receipts and photographs if available	<input type="checkbox"/>
A statement of rent account – if it is not fully paid up, please set out the reasons	<input type="checkbox"/>
Copies of relevant correspondence, including e-mails	<input type="checkbox"/>
Photographs/video (where appropriate)	<input type="checkbox"/>
Receipts for work carried out	<input type="checkbox"/>
Any other documents Please list	

Part 8 - Your permission for us to go ahead

I would like The Property Ombudsman to consider my complaint. I understand that:

- Any personal details that I submit to the TPO Office in the context of my complaint may be considered by the Ombudsman in order to deal with my complaint effectively.
- You may need to exchange information about my complaint with other organisations (for example, to find out or check important facts relating to my complaint). This includes information given in this Complaints Form. It also includes information in any supporting documentation, unless I specifically state otherwise.
- You may publish examples of where things can go wrong, based on actual cases, but you will always respect my privacy and keep my personal information confidential.
- Information used in considering my complaint might be retained for statistical analysis, for internal training purposes, as a source of precedents, or to assist in the investigation of future complaints.
- You handle complaints in a different way from Courts, not requiring people to attend hearings in person, but resolving disputes by correspondence unless an oral hearing is specifically requested.

I authorise the release of information and relevant documents to the office of The Property Ombudsman by the Letting Agent with whom I am in dispute.

Note: In the case of co-tenants/co-landlords all should complete part one and sign below

Signature:	Date:
Signature:	Date:

Note: if you are signing on behalf of someone else, please provide their signed authority for you to do this.

Now please return this completed form to us at:

The Property Ombudsman
Milford House
43-55 Milford Street
Salisbury
Wiltshire
SP1 2BP

Please check that you have:

- | | |
|---|--------------------------|
| Included everything to support your complaint. | <input type="checkbox"/> |
| Enclosed a copy of the letting agent's final viewpoint letter. | <input type="checkbox"/> |
| Enclosed all relevant information. | <input type="checkbox"/> |
| Signed Part 8 of this form. | <input type="checkbox"/> |
| Made a copy of this Complaints Form and supporting documents, to retain for your own records. | <input type="checkbox"/> |

Tips for Submitting a Complaint to The Property Ombudsman

When your complaint is assigned to a case officer all he/she knows about it is whatever is contained in the case file. It is in your best interests, therefore, to prepare your complaint as carefully and as clearly as you can.

Communicating with us

- 1 It really helps us and it speeds things up if you use a dark ball point pen and write clearly.
- 2 If possible please download the Complaints Form off the TPO website (www.tpos.co.uk) as a Word document, type your submission, print, sign the form and send to this office with your supporting documentation.
- 3 You can send your form to us electronically to admin@tpos.co.uk however, we will also need to have a paper copy of the Complaints Form signed by you and supporting documents.
- 4 If you need any information or a copy of this form in a different format, eg Braille, large print or another language, please tell us.
- 5 If you need any help in completing this form, please let us know and we will do our best to guide you.
- 6 If you have a particular need in the way in which you need to communicate with us, or we communicate with you, please let us know and we will do our best to help, depending on your needs.

Be specific in telling us what you are complaining about

The case officer will review your complaint against the Code of Practice. If you feel that your letting agent was at fault in three areas (eg lack of communication, poor security of keys, failing to erect a To Let board) you should list them as three separate types of complaint in Part 3 of the Complaints Form, giving details in each case.

Give a case history

A brief outline in date order of the major events of your case, including dates, names and events, will all help the case officer understand what happened from your point of view. Please note that reference to correspondence on part 6 of the complaints form will not be accepted as an outline case history, therefore, please complete this section.

Submit all the evidence that you can to support your complaint

Where possible provide all the documentary information that you are relying on to support your complaint. This should include all the correspondence between you and the estate agent. If you have made an allegation and there is no supporting documentation to confirm what you are saying it is very difficult for the case officer to come to a decision. The case officer is not able to take sworn testimony and cross-examine witnesses under oath. In these cases you may wish to provide the details of anyone who saw what occurred.

Part 8 of the Complaints Form

Don't forget to sign the form. It gives us permission to get the agent's file of the transaction and to use the information in it to review your complaint. We cannot go ahead without this. If you have been authorised to make a complaint on behalf of someone, we do need to see evidence of this.

Other points to consider:

Goodwill Offers

Any goodwill offers that have been made during the course of the agent's internal complaints procedure will lapse when this office takes your complaint. If the Ombudsman does not support your complaint, then the agent is not required to reinstate the goodwill offer. Even if the Ombudsman supports your complaint, his decision may be to award less, the same or more than the goodwill offer made by the agent.

Awards

The current limit for awards is £25,000. Awards are not "fines", they are made to reflect any actual financial loss that has been suffered and any associated aggravation, distress and/or inconvenience. If your claim amounts to significantly more than £25,000, you need to consider what alternative options are open to you which could mean taking your claim to Court. However, do speak to this office for guidance on whether the Ombudsman can consider your complaint before taking the matter to Court.

Timescales

The Ombudsman can only consider your complaint if:

- 1 It is made by you to this office within 6 months of the date of the agent's final viewpoint letter.
- 2 The act or omission giving rise to the complaint, first occurred not more than 12 months before you first made the complaint in writing to the agent.
- 3 The act or omission of the agent giving rise to the complaint first occurred after the date on which the agent joined the TPO.

If you are unsure on any of these timescales, please contact us and we will give you guidance.

Our Assurance to you

You can be sure that your complaint will be reviewed thoroughly and fairly. The Ombudsman's final decision will be based entirely on the merits of the complaint.