

# TPO Complaints Form - Sales



TPO Reference:	
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**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 Estate 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 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](http://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):

A successful seller:- (ie sale completed)

A successful buyer:- (ie purchase completed)

A potential seller:- (ie sale not completed)

A potential buyer:- (ie purchase not completed)

## Part 2 - The estate agent and property concerned

Name and branch address of Estate Agent	Address of property concerned:

## Part 3 - What we need to know

	Yes	No
<p><b>1. COMPLAINTS HANDLING PROCEDURE:</b></p> <p>Have you made a complaint through the agent's internal complaints handling process?</p> <p>If <b>YES</b>, then you should complete this form with all relevant details</p> <p>If <b>NO</b>, you must do so and give the agent an opportunity to address your complaint before proceeding with a referral to us. If the agent persistently ignores or fails to address your complaint within a reasonable time, please contact the Ombudsman's office and we will assist you to progress your complaint.</p>		
<p><b>2. RESPONSE:</b></p> <p>Have you received a response from the agent?</p> <p>If <b>YES</b>, what is the date of the agent's final viewpoint letter? .....</p> <p>If <b>YES</b> and the agent is still dealing with its consideration of your complaint, please wait until this process has been concluded before referring your complaint to us. If the agent has been dealing with your complaint for <b>8 weeks</b> and the matter remains unresolved, you may nevertheless refer your complaint to us.</p> <p>If <b>NO</b>, you need to complete the agents internal complaints handling procedure and ask for their final viewpoint letter.</p>		
<p><b>3. IF YOU ARE THE SELLER:</b></p> <p>Have you paid the agent's commission fee?</p> <p>If in part, how much? £.....</p>		
<p><b>4. GOODWILL OFFER:</b></p> <p>Has the agent made you one?</p> <p>If <b>YES</b>, how much was the offer? £.....</p> <p>Did you accept the offer?</p> <p>If you have accepted the offer in full and final settlement the Ombudsman cannot look at your complaint(s).</p>		
<p><b>5. HAS YOUR DISPUTE BEEN REFERRED TO ANY OTHER BODY?</b></p> <p>If yes, please indicate which body and provide the relevant documentation such as:</p>		
Court of Law		
Office of Fair Trading		
Trading Standards		
NAEA, RICS		
Other		

#### Part 4 - My specific Complaints against the 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 Ombudsman if you set out your complaints against the agent as clearly as possible, for example: failure to financially qualify the purchaser, lack of regular updates, marketing failures – putting the property on the internet before sales particulars verified by the seller, under/over valuation of property, agent's handling of the complaint.

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 5 & 6.

#### Part 5 - I am providing the following supporting evidence:

Please attach and list all correspondence and/or documents between you and the agent that you consider supports your complaint.

## Part 6 - The Outline Case History of my Complaint

Please give a brief summary of the relevant key events with dates of the transaction or dispute with the agent.

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

- Valuation process.
- Agency agreement.
- Sales particulars.
- Marketing of property.
- For Sale boards.
- Offers rejected/accepted.
- Communication with agent.
- Exchange & completion.
- Receipt of commission invoice.
- Problems - complaint process.
- Completed complaints process (their final viewpoint letter is attached).

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

- Offer made – accepted.
- Offers satisfactorily handled.
- Communication with agent.
- Exchange & completion.
- Problems - complaint process.
- Completed complaints process (their final viewpoint letter is attached).

This is your chance to tell your side of what happened and to explain why you have made your complaint. To help you, some of the actions that you may wish to refer to (either as a seller or a buyer) are shown on the left. Please be as specific with 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 would like the agent to:

Please tell us what you think the agent should do to put things right.

## 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 Estate Agent with whom I am in dispute.**

**Note: In the case of co-sellers/co-buyers all should complete Part 1 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  
Beckett House  
4 Bridge Street  
Salisbury  
Wiltshire  
SP1 2LX

### Please check that you have:

Included everything to support your complaint.

Enclosed a copy of the Estate Agent's final viewpoint letter.

Enclosed all relevant documentation.

Signed part 8 of this form.

Made a copy of this complaints form and supporting documents, to retain for your own records.

**A COPY OF THIS FORM AND ATTACHMENTS WILL BE SENT TO THE ESTATE AGENT**

## 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 to prepare your complaint as carefully and as clearly as you can.

### Communicating with us

1. It really helps us and 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](http://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](mailto:admin@tpos.co.uk) however, we will also need to have a paper copy of the complaint 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 this applies to the agent you are complaining about). If you feel that your agent was at fault in three areas, eg lack of communication, poor security of keys, failing to erect a For Sale board, you should list them as three separate types of complaint in Part 4 of the complaints form, giving details in each case. If your agent does not subscribe voluntarily to the Code of Practice, the Ombudsman will be guided by what he considers to be fair and reasonable in all the circumstances, based upon the documentary evidence provided by you and the agent.

### 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.

### 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 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 offer that has 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.