



## Trivial complaints damage business, says Christopher Hamer The Property Ombudsman.

There are some cases reaching my office that give cause for concern because they appear to have escalated unnecessarily.

The vast majority of the issues that I consider relate to serious matters requiring a detailed examination to determine if an agent has complied with their obligations under the TPO Code of Practice or their contractual obligations to their client. But the following cases should, quite frankly, never have reached me.

One concerned the alleged conduct of an agent during a viewing. Following the viewing, the Complainant alleged that the branch representative had taken a box of washing powder from the property. As unlikely as this sounded, in an effort to resolve the matter the agent had offered to replace the box but had bought a smaller box of, in the Complainant's opinion, an inferior brand.

The Complainant rejected the offer, an equivalent box to that allegedly taken was not provided, so finally the complaint was referred to this Office. I could come to no judgement on whether the agent had removed the box, an act he denied, but made an award as the agent had failed to comply with their obligations under the TPO Code in dealing with the complaint by ignoring the Complainant's letters. I did not consider that the perceived triviality of the issue negated, in any way, the agent's responsibility to deal with complaint properly and resolve the issue.

In another case, the Complainant sellers had one set of keys to the property and the agents had been given the only other set to conduct viewings. The Complainants were not living at the property but went in some time after a viewing and found that the toilet had been used and left in an unacceptable state. The agent's



representative emphatically denied using the toilet. The Complainants had obviously been aggravated by this matter but, to their dismay, I was unable to find in their favour and support the complaint as I simply could not determine, from what was presented to me, who had used the toilet and hence could not, legitimately, come to a judgment. However there was no doubt that the event had occurred and it is assumed that the Complainants themselves were not responsible.

I would have expected the agent to have taken every reasonable step to resolve the matter rather than allow the complaint to be brought to my office. If it was the case that the representative was responsible, the matter could have been brought to a close simply by owning up rather than maintaining a denial.

In a third example, the Complainant sellers and their young children vacated the property to allow the agent to conduct an open day, returning late evening to find that the lock on the door had broken and

they could not access their home. The agent's office was closed and they had to wait some hours for a locksmith to arrive. They fully expected the agent to meet the cost of the new lock.

The agent acknowledged that they had closed and locked the door after the open day but alleged that they had not broken the lock. It was apparent that the agent had been the last person to close the door. I stated that I could not come to a judgment as to whether the agent's actions had damaged the lock as the Complainants alleged or that the lock must have been faulty, as the agent suggested. The agent acknowledged that they had been the last person to shut the door and I deemed that it was simply too much of a coincidence to reasonably conclude that their actions had not affected the lock. Hence, in seeking to come to a fair and reasonable decision, I directed the agent to pay half the cost of the locksmith's invoice.

In any such case, my message has to be that no agent should try to defend the indefensible. As I have no authority to take evidence on oath or cross examine witnesses, it may well be in such cases that I cannot come to a judgment. However, agents, reliant as they all are on a good local reputation, should take all reasonable and appropriate steps to ensure that no consumer is left with a bad feeling as a result of any conduct that they consider to result from the agent's actions.

Whilst I recognise that there are a few complainants who will not be satisfied, a prompt apology and, if appropriate a goodwill gesture, will go a long way in attempting to quickly resolve these types of complaints. ☺

Do you have any views or experiences to share?  
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