

Minutes of Fast Track Tribunal

Monday 1st February 2010, Unipol Student Homes

Present: Dr CAG Brooks (Chair); Mr S Kettlewell (Vice Chair);

Apologies: Ms Madeleine Harris Smith (Vice Chair)

In Attendance: Simon Kemp (Code Administrator); Mandy Baker (Accreditation Officer)

The Fast Track Tribunal discussed the complaint brought about the following owner:

Mr Steven Sharp (Premier Student Lets)

The complaint was issued by former tenants of Mr Sharp who alleged that he was in breach of sections of the Code relating to the non-completion of on-going repairs. However, subsequent investigations also led to allegations that he had failed to administer the deposit effectively - especially with regard to the protection of some of the deposits within one of the approved schemes.

Mr Sharp was invited to respond to the allegations concerning deductions made from the deposit (the matters relating to disrepair were not included as the former tenants confirmed that those matters had not been raised with Mr Sharpe during the tenancy and a later inspection of the property indicated works on fire doors and the shower had been completed). He did so by providing copies of letters sent to the former tenants detailing the deductions made and copies of photographs indicating the damage.

The former tenants were provided with a copy of Mr Sharpe's response but expressed a desire to contest the amount of deductions made and his alleged failure to protect the deposits taken after April 2007. Mr Sharp was once again invited to respond but failed to do so.

The complaint was therefore referred to the Fast Track Tribunal on a date agreed. Both the landlord and former tenants were invited to attend but neither were able to, although the former tenants did provide a written statement for consideration by the Tribunal.

The Tribunal looked first at the issue of deposit protection and agreed that at least two of these should have been protected under the scheme. This aspect of the complaint was therefore upheld.

Secondly the Tribunal discussed the level of deductions made from the deposits and formed the view that although these did not seem unreasonable given the photographic and documentary evidence as presented, there were some question marks over whether he had dealt with matters relating to the shower and fire door quickly enough - especially as both had been identified as issues at the time the contract was signed.

The Tribunal recommended that Mr Sharp could avoid being suspended from membership of the Code if he:

- returns the full deposits to the former tenants without them having to make a claim through the courts; AND
- provides evidence to show that all eligible deposits are protected by one of the approved tenancy deposit protection schemes.

It was agreed that Mr Sharp be given a deadline of the next meeting of the Fast Track Tribunal (Monday 12th April) to demonstrate that he had complied with these recommendations, otherwise he should be suspended from membership of the Code.