

## **Unipol Code Tribunal**

11th November 2011, Unipol Student Homes, Leeds

### **Meeting to consider two complaints against Mr Simon Lewis**

Present: Dr Andrew Brooks (Chair); Ms Jo Johnson (Vice Chair); Mr Steve Kettlewell (Vice Chair)

In Attendance: Mr Simon Kemp (Codes Administrator, Unipol)

#### Details of the Complaints

Former tenants of two of Mr Lewis' properties alleged that he had failed to protect their deposits under one of the three approved deposit protection schemes, and one former tenant also alleged that he had failed to return the deposit within 28 days of the end of the tenancy.

#### Other Matters that the Tribunal Took Into Account

Mr Lewis had engaged the services of a letting agent to manage and market his properties, although from the information provided by the agent concerned it was evident that monies taken by them in respect of deposits had been passed onto Mr Lewis. Tribunal members commented on some perceived failings with the tenancy agreement that the agent had used, specifically the fact that no reference was included within it to Section 48 of the Landlord and Tenant Act 1997 - the landlord's address for service of notices.

#### Report

The Tribunal were informed that email correspondence had taken place between Mr Lewis and Unipol with respect to one of the two complaints.

Mr Lewis had refuted the allegation that he had failed to protect the deposits in that case, but was unable to provide Unipol with evidence to support this claim. However, in respect of the second complaint, the Tribunal were informed that he had failed to respond to Unipol's requests for a response within the timescales given to him.

Mr Lewis did not attend the meeting and did not provide any written statement for the Tribunal's consideration. One of the former tenants attended and made a statement in respect of her complaint, whilst the other former tenant submitted a written statement with additional information for the Tribunal to consider.

#### Decision

That Mr Lewis be removed from membership of the Code for both failure to protect deposits and return them within the timescales specified within the Code.

### Further Information

The Agent who had been managing Mr Lewis' properties has applied to become a full member of the Code in their own right. The Tribunal recommended that Unipol advise them of the perceived shortcomings with their contract and inform them that Mr Lewis was no longer a member of the Code.

### Follow-up Action

The Tribunal suggested that Mr Lewis' current tenants be informed of his removal from the Code and that a press release be issued detailing the outcomes from this Tribunal.

The Tribunal recommended that the former tenant who had not yet had his deposit returned should consider pursuing legal action against the landlord.