

Code of Standards Complaints Tribunal

Friday 29th May 2009

Present: Dr CAG Brooks, Mr Ben McDougall, Mr Stephen Kettlewell

In Attendance: Mrs Amanda Baker; Dr Simon Kemp

Complaint : Richard McEwan Peters (Dingley Pads) and RMP Properties

Summary of the Complaint

The representative of a group of former tenants (with their agreement) who lived in a property owned by Mr Richard McEwan Peters which, at the time they signed the contract (January 2007), was being managed by RMP Management Ltd, (a company linked to RMP Properties which was owned by Robert McEwan Peters, the brother of Richard) brought a complaint against both Richard McEwan Peters and RMP Properties.

It was alleged that Richard McEwan Peters had failed to return the deposits to the former tenants within 6 weeks of the end of the tenancy, and that he had failed to provide them with reasonable details as to why any money was being withheld. It was also claimed that RMP Properties, under the management of Robert McEwan Peters (this group of companies went into administration in October 2008), had failed to provide the former tenants with a copy of the Code of Standards and the name and address of the landlord (Richard McEwan Peters) at the time they were notified that RMP Management Ltd were to cease managing the property (August 2007).

Outcome

The Panel recommended that Unipol should immediately suspend Richard McEwan Peters from membership of the Code of Standards and that the period of suspension be twice the length of time it takes him to return the deposits (i.e. if it takes a month then he could request the suspension be lifted after a further month had elapsed). If none of the money was to be repaid then the suspension is to be for 3 years.

The Panel expressed concerns about the way in which the former RMP Properties was managed, especially in respect of the documentation provided to the former tenants when notifying them of the changes to their circumstances after August 2007, and recommended that Unipol should not in future accredit any individual members of the McEwan Peters family, nor any letting agents that they have day to day involvement with. However, given that the Redbrick Survey and Valuation Ltd has been appointed to act on behalf of the Receiver of Rent, effectively as the agent in respect of rent collection, maintenance and repairs for properties currently rented to students by the company trading as RMP Properties, the Panel did not recommend it be suspended from membership.

Compliance Checking Outcomes: Failures by Landlords/Agents to Respond

Background

Panel members were informed that Unipol now inspects one in five of all properties belonging to code members and new applicants for code membership. Following each inspection the owner/agent is sent a copy of a report which identifies whether or not works are required to bring the property up to the standards of the Code. Where this is the case, owners/agents are asked to provide a timetable for completion of the works (as well as supply any safety certification not seen at the time of the visit) within 14 days.

If a landlord/agent fails to respond within these timescales, they are sent a reminder letter and an attempt is made to contact them by telephone or email. When these approaches fail to generate a response to the request then they are informed that this failure will be reported to the Tribunal, who may wish to take a view on their membership status.

The Tribunal Panel was informed that, at the date of the hearing (May 29th 2009) the following members of the Code had so far not provided a timetable for completion of work/s referred to in the inspection report:

Mrs Joanna Lousada – should have responded by 9th December 2008

Mr Randeep Matharu – should have responded by 9th December 2008

Mr David Williams – should have responded by 9th February 2009

The Panel was therefore asked to make recommendations as to whether these owners should be suspended from membership of the Code or not.

Panel Discussion

The Panel asked whether any of these members had now responded to the request for a timetable. The Code of Standards Administrator reported that Mr Williams had done so the day before the Tribunal hearing.

Outcome

The Panel recommended that Mrs Lousada and Mr Matharu be suspended from membership of the Code and that their period of suspension be twice the length of time it takes them to provide the requested timetable.