

## Unipol Code Tribunal - Chair's Action

14th November 2016

### Shields Student Homes

#### ***Details of the Complaint***

Unipol received numerous enquiries from former tenants of Shields between August and November 2016, which indicated that Shields Student Homes were not complying with deposit protection requirements or the Unipol Code with respect to a number of deposit issues. The former tenants were provided with details of the deposit protection schemes and advised to contact the deposit schemes and Shields Student Homes in the first instance. Details of Unipol's formal complaints procedure were also provided.

Upon receipt of several formal complaints, Unipol wrote to Shields Student Homes on 25th October 2016 allowing them 7 working days in which to respond to the following alleged breaches of the Unipol Code:

*7.00 Deposits are administered efficiently and reasonably by the owner or nominee and are not withheld for any purpose other than for which they were levied*

*7.01 Where a landlord/agent has established an Assured Shorthold Tenancy, they must ensure that any deposit is held in accordance with the tenancy deposit scheme legislation, set out in the Housing Act 2004, and in accordance with regulations made both under the Act and by the relevant scheme operator*

*7.03 All deposits (or balances on deposits) will be returned to former tenants within 28 days of the end of the tenancy or, if the deposit is protected by the Tenancy Deposit Protection Scheme, then in accordance with those requirements. In the event that a deposit is not to be returned within 28 days then the tenant will be sent reasons for the delay, in writing, together with a statement of account providing reasonable details of any and all deductions to the former tenant/s.*

*8.01 Respond reasonably and promptly to tenants or tenant representatives in regard to any complaints or difficulties raised by tenants*

Complainant 1 - The tenancy ended on 31st July 2016 and the complainant and other tenants have been in communication with Shields Student Homes since 22nd September 2016 regarding the return of their deposits but have not yet received any money.

Complainant 2 - The former tenants paid £1000 deposit at the start of their tenancy. The tenancy ended on 31st July 2016 and the students were advised by their landlord that the property was left in a good condition, although no deposit has been returned.

Complainant 3 - The former tenant signed a tenancy agreement and paid a deposit of £250 on 26th February 2016. The complainant then decided they did not want to live at the property and a suitable replacement was found on 27th May 2016. Shields have not returned the £250 deposit.

Shields Student Homes advised the tenant that the deposit would be protected by the Tenancy Deposit Scheme (TDS) but did not provide a protection certificate. The complainant contacted the government protection schemes who advised they do not hold her details.

Complainant 4 - The tenancy ended on 31st July 2016 and Shields Student Homes agreed to return £225 of deposit monies on 18th October 2016 however the money has not been returned.

The tenant's father contacted the three government deposit protection schemes following Unipol's advice on 7th November. The deposit schemes were unable to trace the coverage of the deposit.

After a telephone conversation with Shields on 18th October 2016, the tenant's father emailed Shields Student Homes confirming the conversation with them that his son will be receiving the amount of

£225. Since this conversation, the tenant's father has attempted to contact Shields Student Homes via telephone and email but no response has been received.

Complainant 5 - A deposit of £500 was paid in February 2016 and the tenant contacted Shields in August 2016 as they did not receive a deposit protection certificate. Shields advised that the deposit would be protected but this has not been done. The University of Nottingham Student Advice Centre contacted Shields in October referring to legislation about deposit protection but no response was received.

Complainant 6 - The complainant and 5 housemates each paid £250 deposit, however proof of protection was not received. During their tenancy their landlord changed the managing agency from Shields Student Homes to another agent. The tenants spoke with the new agent but have not received any information from Shields regarding the deposits. The tenants have also attempted to contact Shields but have not received a response.

***Other Matters that the Tribunal Took into Account***

Shields did not respond to Unipol within the 7 working days deadline. Unipol contacted Shields again (via telephone and email) and extended the deadline for a response to midday 7th November, however Shields did not respond to the alleged breaches.

***Decision***

The Chair upheld the complaints that clauses 7.00, 7.01, 7.03 and 8.01 of the Unipol Code were breached and found no reason for withholding deposit monies further. The Chair was extremely concerned that a number of students and representatives had tried to obtain a satisfactory resolution with no response received.

***Follow up Action***

The Chair recommended that a warning letter be sent to Shields providing a 7 day deadline for responding to Unipol and repaying all deposits to the former tenants. Should no response be received, a Tribunal to suspend Shields from the Code would automatically be triggered.