



The
Property
Institute

ADVICE NOTE

MAKING A COMPLAINT
ABOUT THE MANAGEMENT
OF YOUR BLOCK

What to do when things go wrong with the management
of your block



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NOTE

As the leading trade body for residential leasehold management, TPI is also an important resource for leaseholders. Our Advice Notes cover a range of topics on the leasehold system to help leaseholders understand their rights and responsibilities and ultimately get the most out of living in their flat.

SUMMARY

When things go wrong with the management of your block, you need to know who to complain to.

In this Advice Note, we'll look at what you can do if you're unhappy with the way your property is being managed and how to establish who's responsible. We'll also look at how you can make a complaint about your managing agent if they are at fault.

Before making a complaint

Who's in charge?

If you're unhappy with the way your block is being managed, the first thing to do is find out who's in charge. It's not always the managing agent.

Here are the typical scenarios:

- Your block could be owned by an investment company (they will also be your landlord) that has appointed an agent to manage the building. In this situation, it's the investor (as landlord) that's responsible.
- Your block could be run by a Residents' Management Company (RMC) or Right to Manage Company (RTM) that has appointed a managing agent to look after the building. Or they might use resident volunteers. Either way, it's the RMC/RTM that has overall responsibility for the management.
- Your block may have a managing agent that's named in your lease. Here, the agent is responsible for the management of the property.
- Your block may have a managing agent that's been appointed by a Tribunal. Again, the managing agent is responsible.

Get some advice

It's always worth getting some good advice before making a complaint. This could save you time in the long run and help you establish who's responsible, what the law says or whether the lease has been breached.

As a first port of call, try asking your managing agent to clarify the issue you're concerned about. They may be able to explain why certain things are (or aren't) being done.

Checking your lease is always worth doing. If you don't have a copy, you can download it from the Land Registry's website, but they will charge a fee.

It's also worth having a chat with the Leasehold Advisory Service (LEASE), a government funded organisation that gives free legal advice on the leasehold system. Citizens Advice can also help. You can find contact details for both at the end of this advice note.

Making a complaint

RMCs and RTMs

If your block is controlled by an RMC or RTM then you should complain to the company directors. Even if they have appointed a managing agent, it's still best to go to the directors first as they have the most power to change things — the agent could just be following their instructions.

It's important to realise that it's the RMC or RTM that has the contract with a managing agent, so the directors are responsible for how the agent performs.

Complaining about a TPI agent

As a Trade Body we do not investigate complaints against our member firms and all TPI firms must offer access to one of the two Government approved redress schemes for their leaseholders and clients who will be able to complain to an independent body about the service they have received and this is where unresolved disputes can be addressed, free of charge to consumers.

This means complaints are handled independently and leaseholders can be confident that there is no bias.

All TPI members must have a published complaint handling procedure that offers leaseholders the right to go to an independent ombudsman if they are not satisfied with the outcome. They must provide a copy of their complaints procedure to anyone who requests it.

TPI members are required to join one of two approved independent ombudsman schemes: The Property Ombudsman; and the Property Redress Scheme. These schemes are free to consumers and members must indicate the one they are signed up to, including the full contact details, in their complaint handling procedure. If in doubt, you can check on the 'find a member' page on the TPI website.

The ombudsman won't normally deal with complaints about service charges as this falls under the jurisdiction of the First-tier Tribunal (Property Chamber) in England or the Leasehold Valuation Tribunal in Wales. But they may consider the customer service element of the complaint.

As a trade association, TPI is not in a position to deal with complaints about its members directly. We need to remain fully impartial so as not to jeopardise the outcome of any complaints made.



Complaining about a non-TPI member

If your agent isn't a member of TPI, then you should check who's in control of the management of your block and go to them. This is likely to be a landlord, RMC or RTM.

The agent might be a member of another professional or trade body and be required to have a complaints procedure, so you should check. If the complaint is about service charges you could apply to the tribunal to resolve the complaint.

A management company can be removed by exercising the Right to Manage or by appointing a new manager by Tribunal. But remember it's the landlord, RMC or RTM that's challenged over the management, not the managing agent. An agent is only appointed and removed by the landlord, RMC or RTM.

Final Word

If things go wrong with the management of your block, first of all find out who's in charge — it might not necessarily be the fault of the managing agent. RMCs, RTMs or other landlords are normally responsible and only they have the power to remove a problematic agent.

Further information

- The Leasehold Advisory Service (LEASE) is a government-funded organisation that provides free legal advice on the leasehold system. Visit them at: www.lease-advice.org
- Find out how to apply to a Tribunal to change managing agent at: www.gov.uk/housing-tribunals
- Citizens Advice also have some good information: www.citizensadvice.org.uk
- To find a copy of your lease visit the Land Registry website: www.landregistry.gov.uk
- You can find out more about appointing a new managing agent by Tribunal in TPI's Advice Note 'Appointing a Managing Agent by Tribunal'. Download it from our Leasehold Library.

Note:

Whilst every effort has been made to ensure the accuracy of the information contained in this TPI Advisory Note, it must be emphasised that because TPI has no control over the precise circumstances in which it will be used, TPI, its officers, employees and members can accept no liability arising out of its use, whether by members of TPI or otherwise.

The TPI Advisory Note is of a general nature only and makes no attempt to state or conform to legal requirements; compliance with these must be the individual user's own responsibility and therefore it may be appropriate to seek independent advice.