

Note: One of ARMA's key roles is to provide its members with technical support. However, from time to time, technical or other issues arise where guidance for lessees as well as their property manager is deemed appropriate. Such guidance is contained in these Lessee Advisory Notes (LANs) which ARMA members can copy and distribute to their clients and lessees as appropriate.

SUMMARY

- This lessee advisory note is about how to make complaint about the management of your block.
- It explains how to complain about members of ARMA and use an ombudsman service.
- It gives advice about what to do if your block does not use an ARMA member.
- There are links to other sources of advice and options.
- The first thing is to work out just who is in charge of the management of your block- it can be different people.
- If your landlord is a residents management (RMCo) or right to manage company (RTMCo) you should go to it with your complaint.

WHO IS IN CHARGE?

Do you know who controls the management of your block? If your management is in the hands of a managing agent, the agent is only providing a service to the real controller who will be your landlord.

There are variations but the main ones that you will come across are as follows:

- There is a landlord of your block which is a company owned by investors and which has appointed another company as a managing agent. The landlord is the person responsible.
- Your block has a residents management company (RMCo) that provides the management using volunteers. The RMCo is responsible.
- Your block has a residents management company (RMCo) that provides the management by appointing a company as the agent. The RMCo is responsible.
- Your block has a landlord which is a company owned by investors and also a professional management company named in your lease as the manager of the block. The professional management company is responsible.

- Your block has a manager appointed by an LVT. That manager is responsible.

GETTING GOOD ADVICE BEFORE COMPLAINING

You may not be sure who is responsible, or not sure of the law which you think helps your case, or whether your management is following the lease. Get some good advice before you jump in and complain.

- LEASE, the Leasehold Advisory Service, offers free advice on the law and lease matters.
- Citizens Advice can also do this.
- If you do not have a copy of your lease you can obtain one from the Land Registry for a fee by visiting the website.
- Ask the managing agent to clarify the point you are concerned about.

RMCos AND RTMCos

If your block is controlled by an RMCo or RTMCo then your complaint should go to the directors of those companies. Even if those directors have appointed a managing agent and you are dissatisfied with what the agent is doing, it is best to go to the directors first. It may be that the agent is doing what it was asked to do by the directors. If the agent is not, then it is the directors who have the most power to tell the agent to change things. Remember that it is the RMCO or RTMCo that has a contract with a managing agent, and the directors are responsible for how the agent performs to that contract.

COMPLAINING ABOUT AN ARMA MEMBER

You can check if your managing agent is an ARMA member by searching the list of members on the ARMA

website where you will also see their Ombudsman details. Go to www.arma.org.uk.

All ARMA members must have a written complaints handling procedure which will also contain details of the relevant ombudsman.

The existence of the procedure should be publicised and made well known to all clients such as RMCos and RTMCos and leaseholders.

The ARMA member must provide a copy of their procedure to any lessee or resident that requests one. All complaint handling procedures of ARMA members must cover the following information:

“If the complainant is still not satisfied after the last stage of the in-house complaint procedure (or more than 8 weeks has elapsed since the complaint was first made) then he/she has the right to take the matter up with an Ombudsman Service without charge” (contact details of the Ombudsman scheme joined must be listed on their in-house complaints procedure.)

All ARMA members are required to join one of three approved independent ombudsman schemes: the Ombudsman Services Property, the Property Ombudsman or the Housing Ombudsman. By definition, Ombudsman schemes are free to consumers.

ARMA checks on the complaints procedures of its members. If you do not think the member is obeying the above rules please contact ARMA.

The ombudsmen can require the ARMA member to put things right, issue further explanations, issue apologies or pay compensation to a lessee, RMCo or RTMCo. The ombudsmen will not usually deal with complaints which are solely about service charge costs as these fall under the jurisdiction of the LVT (although they may consider the customer service element of the complaint). It will advise that the lessee goes to the Leasehold Valuation Tribunal (LVT).

ARMA AND COMPLAINTS ABOUT ITS MEMBERS

Lessees often ask why does ARMA not do something if they complain. ARMA is a trade body for its members. To make sure that complaints are handled independently of ARMA and there can be no accusation of bias, ARMA requires all its members to offer complainants access to an independent ombudsman service.

ARMA receives reports from those ombudsmen about complaints and has the power to fine, suspend or expel that member. None of these disciplinary powers of a trade body can change the day to day management of the property or necessarily help a lessee who wants a better service level agreement or an apology. Also remember that if the ARMA member is acting as a managing agent by appointment of an RMCo or other landlord, only the RMCo or landlord can remove the agent from the management of that block.

COMPLAINING ABOUT A MANAGEMENT COMPANY THAT IS NOT AN ARMA MEMBER

Check who is in control of the management of that block. If the management company you wish to complain about is acting as an agent, go to the person in control- the landlord or RMCo or RTMCo.

A professional management company which is named in the lease may be a member of another professional or trade body and may be required to have a complaints procedure and offer access to an ombudsman. Check first.

If the complaint is about service charges you could apply to the LVT to resolve the complaint.

OTHER OPTIONS

A professional management company can be superseded or a managing agent removed using the Right to Manage or the appointment of a manager by the LVT. But remember that it is the landlord or the RMCo or RTMCo that is challenged here, not a managing agent. An agent is appointed and removed by the landlord, RMCo or RTMCo.

SOURCES OF INFORMATION ABOUT THIS LAN

- LEASE, the Leasehold Advisory Service. Ring 020 7383 9800 or use the following link: <http://www.lease-advice.org/information/faqs/faq.asp?item=111>
- ARMA members are listed on the website at: http://www.arma.org.uk/public/members_search.cfm
- The Leasehold Valuation Tribunal contact at: <http://www.justice.gov.uk/downloads/guidance/court-s-and-tribunals/tribunals/residential-property/leasehold-valuation-tribunals.pdf>
- Search for your local Citizens Advice Bureau at http://www.adviceguide.org.uk/index/get_advice.htm

- The Land Registry website to find a copy of your lease is:
https://www.landregistry.gov.uk/wps/portal/Property_Search

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