

# TENANT COMPENSATION POLICY AND PROCEDURE

## 1. INTRODUCTION

1.1 English Rural Housing Association aims to provide the highest standard of service to its tenants. However, the Association understands that there may be occasions when we do not always meet these standards and this failure can cause loss, damage or inconvenience to our residents

1.2 The Association recognises tenants' rights to receive compensation under the Right to Repair and Right to Compensation for Improvements Regulations set out in the Leasehold Reform, Housing and Urban Development Act 1993.

1.3 The aim of this policy is to set out the circumstances in which compensation may be considered and detail the procedure involved in making a claim for compensation.

## 2. THE RIGHT TO REPAIR

2.1 Tenants have a statutory right to claim compensation where certain relevant (*emergency and urgent*) repairs are not completed within the time limits set by the Association. A relevant repair is one that is likely to jeopardise the health, safety or security of the tenant if not carried out within the stated period.

2.2 When a tenant reports a repair the Association will state when the repairs should be completed. If the Association fails to complete the repair within the set time, the tenant must then inform the Association that the work has not been done. A further deadline for completing the work will be given to the tenant. If the work is not completed within the second deadline then a claim for compensation may be considered.

2.3 Tenants must also recognise that in certain situations, parts may be required and that delays due to the ordering of parts are exempt from any claims to compensation as they are beyond the control of the Association and their agents.

2.4 All claims for compensation under the Right to Repair will be considered in accordance with regulatory guidance.

2.5 The Right to Repair compensation is not payable if the tenant has failed to give access to the Association or their agents for the work to be inspected or carried out.

### 3. THE RIGHT TO COMPENSATION FOR IMPROVEMENTS

3.1 Tenants have the right to claim compensation for certain improvements they make to their homes. These qualifying improvements are listed in the Tenant Handbook and include items such as;

- *Replacement of bath, shower, toilet or wash hand basin*
- *Replacement of kitchen sink and kitchen units*
- *Replacement or provision of water or space heating system*
- *Replacement of water tank or cylinder*
- *Double glazing (or other external window and door replacement)*

3.2 A claim for compensation for improvements will only be considered upon termination of tenancy and where written approval has been given by the Association for the improvement works. When seeking initial approval for improving works, tenants must submit three estimates from bona fide contractors and tell the Association which estimate they wish to choose and why.

3.3 Any compensation awarded will allow for depreciation and will be deducted from any money the tenant owes to the Association at the end of the tenancy where necessary.

3.4 If the tenancy is terminated as a result of legal action the tenant will not be entitled to any compensation for improvements.

### 4. MAKING A CLAIM FOR COMPENSATION

4.1 Compensation may also be considered where financial hardship, inconvenience or distress has been caused as a result of English Rural's failure to meet service standards.

4.2 All claims for compensation by residents should be made in writing and will be considered in line with the Association's Complaints Policy.

4.3 Each claim will be considered individually and will take into account the circumstances of the resident making the claim.

4.4 A full written response will be issued to outline the outcome of the claim and details of any compensation that has been awarded.

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