

Submission (3) received from Roger Boys 28 November 2019

Hi

I would like to make a further submission.

Having read with interest the submissions it is appropriate to note that other than Roger Trower there appears to be no submissions from Estate Agents and you wonder why.

The submission from the JLA was very detailed and does seem to imply that there is a dictatorial attitude however I did wonder if the approach used in the Finance Industry may perhaps be better than legislation in that a Code of Practice could be developed .

If this route was followed then the possible codes could be:-

1. It is the obligation of the provider of accommodation to ensure that
 - a. The provision of utilities to the property is in a safe manner.
 - b. The provision of equipment at the property is such that they may be used in a safe manner
 - c. The provision of heating to the property is in a safe manner
 - d. The external penetration of dampness to the property is alleviated
 - e. There is adequate provision to alleviate condensation arising from bathing, washing and cooking
 - f. There is adequate means of heating the property
 - g. There is adequate insulation of the property
2. It is the obligation of person (sole or corporate) offering the accommodation either on their own behalf or on behalf of others to ensure that the provisions of 1. above are met.
3. In the event that the provider of accommodation supplies utilities to the occupier at a rate other than that at which the utilities are supplied to the provider such excess shall be reasonable and the provider shall notify the occupier of the basis.
4. That the provider or his agent shall maintain a register of complaints. Such complaints must be acknowledged within 7 days of receipt and if this matter is not resolved within 30 days of receipt then the provider or his agent must notify the States / Commission of the complaint and action being taken to resolve.
5. In the event that the complainant is not the occupier the same provisions will apply

These are only initial thoughts but if the provider failed to meet the obligations then they could be barred from further letting etc until the matters were rectified and a suitable fine as well.

The benefit of the code route is that it gives the industry ample time to consider any changes and there will be meaningful discussion before implementation in which the industry can have confidence. Unfortunately this confidence is woefully lacking at present. Item 2 would also mean that agents could not offer property for let if they did not believe that they were of adequate standard otherwise they too would be liable for fines.

Regards

Roger Boys