



Solving Housing Disputes – a New Approach

As part of its programme of housing law reform, the Law Commission today unveils its final proposals on housing dispute resolution. Unlike most other Law Commission reports, this report does not focus on reform of substantive law, but rather deals with the broader social issues of how housing problems arise and how they might be dealt with better.

At the heart of the recommendations is the suggestion that all those providing housing advice and assistance should develop services based on a “triage plus” system. This has three elements

- Signposting: providing initial diagnosis of the problem and referral to the best route for resolution
- Intelligence gathering and oversight: increasing understanding of how problems arise
- Feedback: to improve decision- taking and prevent disputes arising.

Another key proposal is that other means of resolving disputes, outside of formal adjudication, should be used wherever possible.

Martin Partington, who was the Commission’s Special Consultant on Housing Law in charge of the project, said

“Dispute resolution is an area in need of repair. We believe that use of mediation, ombudsmen and complaints procedures should be actively encouraged. Recourse to courts and tribunals should be a last resort. If disputes need to come to court, we propose that disrepair cases and park home cases should be transferred to the Residential Property Tribunal Service (RTPS) which should be incorporated into the new unified Tribunals Service. A wider approach to transferring cases to the RTPS should remain a long term goal.”

As a first step, the Commission recommends that pilot schemes be established to test the transfer of homelessness statutory appeals and other housing related judicial reviews to the Upper Tier of the new Tribunal Service.

Notes for Editors

The Law Commission is a non-political independent body, set up by Parliament in 1965 to keep all the law of England and Wales under review, and to recommend reform where it is needed.

For further details on this project visit http://www.lawcom.gov.uk/housing_disputes.htm.

For all press queries please contact:

Correna Callender 020 7453 1273
Head of Communications

or Dan Leighton 020 7453 1235

email communications@lawcommission.gsi.gov.uk