**Pre-Action Protocol for Housing Disrepair Cases (England)**

**Mediation and other resolutions**

**The courts take the view that litigation should be a last resort, and that claims should not be issued while a settlement is still actively being explored. Parties should be aware that the court will take into account the extent of the parties’ compliance with this Protocol when making orders about who should pay costs.**

Options for resolving a dispute include the following—

(a) mediation: information about mediation can be found at http://www.civilmediation.org/contact.php

(b) for council tenants—

\*The council’s own complaints and/or arbitration procedures.

\*The Right to Repair Scheme. The scheme is only suitable for small, urgent repairs of less than £250 in value. Information about the scheme in England can be obtained from the Ministry for Housing, Communities and Local Government https://www.gov.uk/repair-council-property

\*The Housing Ombudsman Service deals with complaints from council tenants in England about housing conditions http://www.housing-ombudsman.org.uk/

(c) for housing association tenants and for tenants of other social landlords—

•Any complaints/arbitration procedure operated by the landlord.

•The Housing Ombudsman Service deals with complaints from tenants of social housing in England about housing conditions http://www.housing-ombudsman.org.uk/

(d) for private tenants, the landlord, the letting agent or the property manager may be a member of a redress scheme enabling unresolved complaints about housing conditions to be independently resolved.

Information about repair rights generally is available at http://england.shelter.org.uk/get\_advice/repairs\_and\_bad\_conditions and at https://www.citizensadvice.org.uk/housing/repairs-in-rented-housing/

Private sector landlords and tenants in England can find out more about their respective rights and responsibilities for housing conditions from the UK Government’s publication Landlord and tenant rights and responsibilities in the private rented sector (April 2019) https://www.gov.uk/government/publications/landlord-and-tenant-rights-and-responsibilities-in-the-private-rented-sector

Social housing landlords and tenants may be assisted by the UK Government’s guidance in Good Practice Guidance on Housing Disrepair Legal Obligations (January 2002). http://www.communities.gov.uk/publications/housing/deliveringhousingadaptations2