

CASE STUDY

No Prospect of Success

Key Topics

Tenant terminated the tenancy during the fixed term due to a pest infestation.

Award

Case declined by the Property Redress Scheme as the agent was not found to be in breach of their obligations.

Case Details

- The tenant entered into a 6 month Assured Shorthold Tenancy Agreement with the landlord.
- The agent was instructed to fully manage the property during the tenancy.
- Two months into the tenancy the tenant reported a pest infestation to the agent.
- The agent quickly arranged for pest treatment and remedial works to be undertaken after it became apparent that there were gaps in the structure of the property allowing mice to enter.
- The tenant had a phobia of mice and gave her notice to vacate the property.
- The landlord gave his permission to the tenant to terminate the tenancy subject to two conditions:
 - The tenant continued to pay the rent until a replacement tenant moved into the property;
 - The tenant paid a re-letting fee in the sum of £240.00 to the Agent.
- The tenant paid the re-letting fee and later disputed this charge.

Evidence

Assured Shorthold Tenancy Agreement, correspondence and invoices to show works undertaken by the Agent.

Decision

The tenant's complaint and claim for a refund of the re-letting fee had no reasonable prospect of success with the Property Redress Scheme.

Key Points from the Case

- The agent responded promptly to address the infestation in the property and to remedy any gaps in the structure of the property.
- The tenant was not entitled to terminate the tenancy during the fixed term without the permission of the landlord.
- The payment of the re-letting fee was a condition attached to the landlord's permission to release the tenant from the tenancy agreement early.
- The tenant was clearly made aware by the agent of the conditions of her release from the tenancy agreement before she vacated the property.
- The tenant opted to terminate the tenancy agreement as a result of her phobia even though remedial works had been undertaken and the infestation issue was resolved by the Agent.

