

APPENDIX 5: DETAILED INFORMATION ON 83 HOUSING DISREPAIR CASES, COLLECTED FROM SOLICITOR MEMBERS BY THE HOUSING LAW PRACTITIONERS ASSOCIATION

Type of landlord (public or private)	Nature of Disrepair <ul style="list-style-type: none"> • Penetrating damp • Rising damp • Windows/doors • Heating/hot water • Cracks/subsidence • Other 	Effect on client <ul style="list-style-type: none"> • Rehoused? • Children affected? • Belongings damaged? • Health issues? • Other 	Period of disrepair	Stage of settlement <ul style="list-style-type: none"> • Pre-issue • Post-issue • Defence-WS • Pre-trial • At trial 	Amount of damages (£)	Cost of works (£)	Costs claimed (£)	Costs recovered (£)
1. Public	Rotten roof timbers, penetrating damp, problems with boiler, defective drains, defective electrical installations, cracks	Defective drains caused raw sewage to enter property and client's decorations ruined	Over 6 years	Pre-trial	£7,850	£3,070	£20,691.56	£17,000
2. Public	Leaks from shower into kitchen below, leaks from water tank into a bedroom, rising damp	Daughter's bedroom uninhabitable due to leaks, client and daughter had to share bed. No lighting in kitchen following leaks, including over Christmas.	Over 6 years	Pre-trial	£8,750	£2,020	£26,251.80	In negotiation
3. Public	Recurring leaks from above, defective windows, no heating, repeated problems with hot water	Client had no heating and often had no hot water whilst heavily pregnant and with a young baby	4 years	Pre-trial	£9,500	£4,160	£17,945.38	£17,000
4. Public	No heating, leaks into property through light fitting	Child and children in very cold property, no lighting in toilet due to leaks	6 Years	Pre-issue	£7,000	£2,125	£10,959.78	£7,750

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5. Public	Heavy leaks from above, consequential damage to electrical installations	Property became uninhabitable due to leaks into electrical cupboard	5 years	Defence-Witness Statement	£41,439.50 + provision of temporary accommodation until completion of works	£4,805 to internal parts, plus works to block	£26,918.40	£21,000
6. Public	Repeated leaks from above, through light fittings.	Client was heavily pregnant when she approached solicitors, living in dangerous conditions and very stressed.	6 years	Pre-issue	£8,600	£1,910	£8279.76	£6,500
7. Public	Intermittent heating issues, penetrating damp	Client concerned about daughter's safety in property	2 years	Pre-issue	£1,500	£1,804	£11,211.48	£6,500
8. Public	Rising and penetrating damp, intermittent heating and hot water issues	Client very concerned about safety of her child	Over 6 years	Pre-trial	£8,300	£6,765	£28,548.72	£28,548.72
9. Public	Rising damp/penetrating damp/structural cracking	Client had mental health issues	Over 6 years	Defence-Witness Statement	£16,000	£12,160	£9,210.82	£7,500

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10. Public	Structural cracks, leaks into various parts of property	Vulnerable client	Over 6 years	Pre-trial	£10,000	£2,070	£17,590.82	£12,500
11. Public	Water Penetration into bedroom and living room. Damaged Ceiling plaster in bedroom.	Loss of Rent to client who was leasehold owner of property	4 years	Post Issue	£3,000	Unknown but more than £1000.00. Landlord agreed to complete works without providing cost.	£8,522.44	£5,500
12. Public	Structural cracking, defective windows	Damaged Belongings and inconvenience	12 years	Post-Issue	£9,150	Unknown	£7006.76	£7,006.76
13. Public	Water penetration from the roof and gutters into bedroom. Defective windows	Damaged belongings, extra cleaning by client	8 Years	Pre-Issue	£7,002.38	£2,900.00	£6,334.08	£6,000

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14. Public	Water penetration from roof and guttering, unsafe electrics, structural cracks	Damaged belongings, attendance of workmen, extra cleaning and affecting client's mental health.	10 years	Pre-Trial	£14,000	£3,170	£20,269.72	£16,000
15. Public	Intermittent leaks due to defective pipework, structural cracks, unsafe electrical installations	Children couldn't sleep in bedrooms	6 years	Pre-Trial	£11,000	£9276	£25,241	£12,000
16. Public	Penetrating damp and mould growth	Children in property, damaged belongings	3 years	Pre-Trial	£7,000	Not known as a joint agreed schedule of works was produced.	£12,203.94	£11,500
17. Public	Penetrating damp, mould growth, defective windows, structural cracks	Inconvenience and loss of enjoyment of the property	6 years	Post-Issue	£6,000	£18,036	£11,500	£10,500

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18. Public	Cracks, uneven floor boards and damaged skirting boards. Defective windows	Children in property, damage to belongings	4 years	Post-Issue	£8,000	Unknown	£8,969.52	£6,726
19. Public	Missing and broken roof slates. Water penetration and damp.	Inconvenience and loss of enjoyment of the property	8 years	Post-Issue	£9,750	£16,500	£10,952.84	£8,750
20. Private freeholder	Water ingress as a result of pitched and flat roof and gutters being defective. Damp penetration and mould growth in the property	Inconvenience and loss of enjoyment of the property	1 year	Pre-Issue	Agreed not to recover costs of roofing works.	Roofing works costs £35k in total. Leasehold client effectively received a benefit of £15k.	£3825.04	£3250

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21. Public	Penetrating damp and no heating.	Belongings damaged. Child's bedroom out of use due to ongoing leaks for over two years, child sleeping in same room as parents for over two years. Very cold in winter due to lack of any heating– always catching colds.	2.5 years	Pre-issue	£6000	£3500	£10,000	Not yet settled.
22. Public	Penetrating damp Heating/ hot water (total lack of for months)	Belongings (Majority of clothes and shoes destroyed, deceased infant's clothes and items ruined, furniture damaged), health issues (probably exacerbated mental health issues including depression), other (keen gardener – award winning – and garden badly damaged by scaffolding.)	Just under 5 years for leak, boiler issue unresolved.	Pre-trial	£16,300	£4,025.00	£29,245.83	£23,000

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23. Public	Penetrating damp (from leaking cupola roof structure) and windows (panes do not fit in frames – draughts)	Health (impacted on client’s mental health dramatically due to longevity of issues – suffering from stress and skin condition (possibly triggered by stress))	5 years	Pre –trial	£50,000	£11,600 (according to expert report but Defendant claimed closer to in the region of £250,000 because of the scaffolding)	£50,500	£50,000
24. Private	Windows (frames rotten, panes falling out)	Other (loss and damage - greatly Increased cost of heating bills, wellbeing affected significantly by living in extremely cold and unpleasant conditions)	1 year and 5 months	Pre - issue	£1,500	Not known, no report completed	£1,350	£1,350

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25. Public	Penetrating damp (affecting all rooms in the property), heating/hot water	Belongings damaged (furniture and clothes by mould), health (a very vulnerable client suffering from anxiety and depression probably exacerbated by appalling living situation), other (issues with work contractors being abusive to client), other (cooking using camping oven for months)	9 years and six months (at least)	Pre-trial (after WS before PTC)	£10,000	Unknown	£22,149.64	Not settled
26. Public	Cracks and subsidence and penetrating dampness	Rehoused, Children (affected by cold and damp and living in a dangerous property), belongings damaged, Other (stress caused by worry about safety of children)	Approx 8 years and 4 months	At trial	£2781 + interest (did not beat D's Part 36)	Unknown	£42,649.40	In dispute in entirety

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27. Public	Penetrating dampness and windows	Health (effect on mental health as cannot invite anyone around/ feels stressed/ very cold)	Approx 7, 9 months	Pre trial	£10,000	unknown	£24,984.60	£19,825.00
28. Private	Penetrating dampness (numerous leaks), windows/doors	Health (injured hand on window and causing stress and anxiety), other (long term impact on whole family living in such appalling conditions)	Approx 11 years	Pre-issue	£13,400	£3,520	£10,742.12	£8,539.70
29. Public	Windows (rotten frames)	Health (longevity exhausting & extremely cold)	4 years, 8 months	Pre-trial	£10,500 (£7,000 + £3,500) (breach of Tomlin)	£23,030	Unsure	£13888,08
30. Public	Penetrating dampness	Other (restricted use of property – unable to use second bedroom)	Approx. 6.5 years	Pre-trial	£12,000	£740	£14,306.72	£12,500
31. Public	Penetrating dampness, other (electricity problems)	Health (asthma worsened), other (restricted use of rooms)	Approx. 6 years	Defence/CC – W/S	£4552.42	Unknown	£8605.12	£7,300

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32. Public	Plumbing leak, damaged electrics, broken window catches. Ineffective heating.	Damage to recently decorated home, unable to foster children. Cold. Stressful disputes with landlord including her alleging harassment by landlord and calling the police.	Sep 15 to May 16	Pre-issue	£1000	Unknown (report prepared by Denise Williams originally as EPA. Presumed over £1000)	£6,889.26	£6000
33. Public	Rotten window, misted window, damaged decorations following leaks.	Cold and unsightly home.	March 2010 to Sep 16	Pre-issue	£11,000	£1830	£7,187.80	£5500

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34. Public	Penetrating damp	Exacerbate mould, damaged belongings, cold.	2013-2016	Pre-issue	£2500	Unknown (report prepared by Denise Williams originally as EPA. Presumed over £1000)	£5838.48	£5047.80
35. Public	Plumbing leak exacerbating condensation	Severe condensation, clients rehoused. Damaged all belongings.	Oct 14 – Jan 16	Pre-issue	£3000	n/a – moved instead	£4274.16	£3000
36. Public	Penetrating damp, path incorrectly shaped,	Disabled client can't use wheelchair on path to get in and out of house independently, cold.	April 2011 – Aug 16	Defence-WS	£8500	£1830	£11,813.60	£8750

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37. Public	Penetrating damp.	Damage to decorations, concerns about electrical safety.	Oct 14 – Oct 16	Pre-issue	£6000 plus agreement not to charge works in service charge	£13,708	£5092.80	£4700
38. Public	Penetrating damp and defective windows	Cold, damaged belongings, worry about health of children, extreme stress and disruption of dispute.	2010 – Sep 15	Pre-issue	£7765.96	£5175	£8014.76	£6000
39. Public	<ul style="list-style-type: none"> • Penetrating damp • Rising damp • Windows/doors • Dangerous staircase • Mouse infestation 	<ul style="list-style-type: none"> • Belongings damaged? • Health issues • Child affected 	Seven years	Pre-trial	12750.00	58,000	55071.87	48457.03

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40. Public	Penetrating damp Rodent infestation	Belongings damaged Health issues Stayed with relations	Three years	Pre trial	12,000	£900	16182.10	14000.00
41. Public	Heating boiler Penetrating damp WC leak	Decorations ruined, unpleasant smell Health issues	Four years	Pre issue	5000	3000	9,731.90	7760.00
42. Private	<ul style="list-style-type: none"> • Windows/doors • External decorations • Communal parts not cleaned 	Buy to let leaseholder claim based on rent loss	Eight years	Defence WS	15000	8000	53378.00	35000.00
43. Public	Penetrating damp	Decorations ruined Mould growth Health issues	Eleven years	Pre issue	8500	2000	5111.28	4561.68

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44. Public	Cracks subsidence	Belongings damaged Long period in temporary accommodation Children affected	Three years	Pre issue	15300	20,000	5436.00	4000
45. Public	Plumbing leak causing severe damp	Belongings damaged Health issues Children affected	Two years	Pre issue	4250	3000	4203.60	3600
46. Public	Penetrating damp	Belongings damaged rehoused	four years	Pre issue	3500	2000	2448.00	2000
47. Public	Penetrating damp windows	Buy to let leaseholder claim based on rent loss	Nine years	Defence witness stat	45,000	25000	32134.00	24000
48. Public	subsidence	Health issues Temporary accommodation	Three years	Post issue	16314.00	50,000	24359.00	23500.00

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49. Public	Water penetration around windows in bedroom and living room. Failures to make good from previous leaks	Was counterclaim; long delay in L acknowledging ongoing water penetration and needed second expert to ascertain cause – extremely frustrating as was delays in making good. Client no English.	2009-16	Defence-WS	5750 +1150 (for delay completing works)	£5000	14,1450.36	10,483.88
50. Public	Water penetration-leak from overflow to boiler in flat above; defective windows	Client and his wife suffer from depression – effect of disrepair especially severe on them as a result. Also have limited English – difficult for them to access advice services	2011-2016	Pre-issue	6787.68	£4000	9536.28	7500.00

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51. Public	Hidden plumbing leaks in clients and neighbour's property causing extensive dampness -	Vulnerable tenant – on account severe health issues (Including mental health) – without v specialist expert attending, would not have found cause of dampness (insistence by LA over a long period that is was condensation from use of the flat). Aggravating factors were that LA did not get on with the works and expert had to re-attend 6-7 times (at LA's cost) and after settled had to make further applications to the Court to enforce works orders	2008-2016	Pre-trial but enforcement applications necessary	10,000+2500 (for delay in completing works)	£5000-£10,000	22,487.80	18,050

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52. Public leasehold	Structural movement, drains issues	Delay by LA in dealing with disrepair issues causing leaseholder loss in that unable to sell (which he was desperate to do) or let (because he imminently wanted to sell) his home in the meantime – unusual legal issues	2011-2016	Pre-issue	24,500	£40,000	18,235.60	13,250.00
53. Public	Rising damp	Before seeking legal advice, tenant had sought at length to get the LA to deal with the dampness issue in his home but with no success. Once protocol letter sent however, the Council addressed it quickly and settled the case promptly	2011-2016	Pre-issue – v early stage – unusually LA sent surveyor on receipt of protocol letter and did works promptly as well	6500.00	£5000	2774.40	2500.00

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54. Public	Penetrating dampness around window lintel; longstanding leak from bathroom above	Vulnerable client who suffers from severe depression and anxiety issues. Extremely aggravated by HA's failure to remedy the issues over a long period.	2008-2016	Def - WS	10,260.00	£7500	22,084.00	16,750.00
55. Public	Water penetration on account of exterior defects	Cause not located until specialist evidence – HA had decided lack of ventilation/condensation issues - tenant extremely frustrated by HA's failure to deal – even when settlement reached further delays	2013-2016	Def - WS	£4250+£475 (for delay in completing work)	£5200	9500.00	6275.00

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56. Public	Dampness on account of failure with damp – proofing in the floor	Tenant eventually rehoused on account of the disrepair. Elderly tenant – vulnerable – before expert evidence, LA assuming matter is condensation related	2011-2015	Def-WS	7250.00	£2500 (then decant – further works needed)	£14507.00	£12,950.00
57. Public	Severe mice and rat infestation on account of holes in period property – need for proofing	Extensive damage to client and his family’s belongings as a result of the severe infestation and physical and psychological effects on primary school age children’s health. The family were moved as a result of our intervention to alternative permanent accommodation	2014-2015	Pre-issue	11,500	Tenant decanted. Likely property then sold	6171.63	5350.00

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58. Public	Hidden plumbing leaks causing extensive dampness and damage	Was damage to tenant's belongings – cause of dampness not ascertained until expert evidence obtained in relation to neighbouring property (acting for neighbour as well)– unusually the LA then acting promptly in remedying	2013-2015	Pre-issue	2200.00	3500	3581.20	2800.00
59. Public	Heating	Other. Installed own system. Disconnected from communal system	2004-2008	At trial. 2016	£9,000	N/A	£25,000	£22,330
60. Public	Leaking pipes	Depression. Frustration at landlord's inactivity	2012-2016	Pre-trial	£9,740	£5,000	£13,000	£12,400
61. Public	Penetrating and rising damp	Depression, frustration at landlord's inactivity, exacerbation of existing health conditions (long ailments)	2008–2016	At trial	£8,000	£10,000	£25,000	£24,000

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62. Public	Overheating. Lack of hot water – communal system	Frustration at landlord’s inactivity	2010–2014	Pre-issue	£4,000	Unknown – part of refurbishment of entire estate	£10,000	£8,300
63. Public	Damp – buried pipes.	Depression, frustration, exacerbation of both physical and mental health ailments	2010–2015	Pre-trial	£10,000		£19,000	£17,600
64. Public	Damp and uncontrollable heating.	Depression, frustration, exacerbation of existing mental health issues	2010–2015	Pre-issue	£5,000		£13,000	£11,000
65. Public	Penetrating damp, rising damp.	Frustration at landlord’s inactivity	2012–2016	Pre-trial	£8,000		£13,000	£13,000
66. Public	Penetrating damp.	Frustration. Unable to enjoy benefits of leasehold	2010–2014	Pre-issue	£20,000		£10,000	£9,000
67. Public	Penetrating damp.	Frustration at landlord’s inactivity	2010–2015	Pre-trial	£36,000		£28,000	£25,720

Type of landlord (public or private)	Nature of Disrepair <ul style="list-style-type: none"> • Penetrating damp • Rising damp • Windows/doors • Heating/hot water • Cracks/subsidence • Other 	Effect on client <ul style="list-style-type: none"> • Rehoused? • Children affected? • Belongings damaged? • Health issues? • Other 	Period of disrepair	Stage of settlement <ul style="list-style-type: none"> • Pre-issue • Post-issue • Defence-WS • Pre-trial • At trial 	Amount of damages (£)	Cost of works (£)	Costs claimed (£)	Costs recovered (£)
68. Public	Leak penetrating damp.	Depression and exacerbation of existing serious physical ailments	2012–2015	Pre-trial	£13,000		£20,000	£18,000
69. Public	Defective plumbing in shower area causing damage to adjoining bedroom and hallway	Frustration at landlord inaction	2016	Pre-issue	Offset against arrears	1500-2000	4080	3037
70. Public	Condensation damp caused by defective ventilation system	Pneumonia and infections	1998-2016	Pre-issue	2000	1500	5155	4350
71. Public	Water penetration into bedroom and bathroom from internal pipework	Aggravation of depressive condition	2011-2016	Pre-issue	2500	2500-3000	3641	2800
72. Public	Leak from flat above into toilet, bedroom and hallway	Frustration and inconvenience; decorative damage	2012-2016	Pre-issue	3350	2000-3000	4184	3002

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73. Public	Leak from guttering causing damage to tenant's bedroom and hallway	Client temporarily rehoused pending extensive repair and decorative works	2015	Pre-issue	4700	3000-4000	5211	3600
74. Public	Damp in bathroom	Colds and infections	2013-2014	Pre-issue	1200	1500-2000	6222	1500
75. Public	Water penetration in bathroom and kitchen	Client to be rehoused, extensive damage to decorations and linen	2013	Post-issue	3750	n/a - client approved for management transfer and awaiting move	12537	12781
76. Public	Leak from soil pipe	Aggravation of children's asthma	2013	Post-issue	Offset against money judgement	2000-2500	4917	3500

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77. Public	Decaying windows and frames, leak damage to kitchen, defective electrical supply	Aggravation of depression, obsessive/compulsive disorder and unstable personality disorder	2000-2015	Pre-issue	4700	10000-12000	13651	11250
78. Public	Leak into bathroom and kitchen from floor above	(Children) Respiratory infections	2003-2013	Post-issue	1335	2000-2500	7094	4750
79. Public	Flooding. Dampness. Pipe leaks. Water penetration damage. Faulty heating and hot water systems.	Diminution in value of tenancy. Numerous belongings damaged. Stress and worry. Ill health caused to client and family.	10 years	Defence-WS	£9,500	£11,371.53	Reasonable costs	Case not yet concluded

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80. Public	Severe water penetration. Dampness. Rotten windows. Mice infestation.	Ill health – asthma exacerbated and stress. Deterioration in mental health. 15 month decant. Diminution in value of tenancy.	9 years	Pre-trial	£9,000	Unknown	£81,793.90	£55,000
81. Public	Severe condensation dampness. Defective extractor fans. Defective pointing and cracks.	Joint pain, anxiety and gastrointestinal problems exacerbated. Various damaged belongings.	7 years	Defence-WS	£6,500	At least £650	£44,840.01	£26,000
82. Public	Water ingressions into property. Damp and mould throughout property.	Additional utilities bills. Bad smells. Stress. Damage to decorations and belongings.	4 years	Defence-WS	£3,806.17	Unknown	£19,208.08	£17,400

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83. Public	Water Ingress Rising Damp Tiles falling off bathroom walls Defective WC	Respiratory conditions Depression/anxiety	2.5	Pre Trial	£6,000	£2,000	£18.500	£14,500