

Liz Law, Landlord/Tenant Mediator



Cyrenians

5 YEAR IMPACT REPORT LANDLORD & TENANT MEDIATION

The number of people touched by landlord and tenant mediation within the last 5 years is 559

INTRODUCTION

Mediation between Landlords and Tenants in Edinburgh has been available since 2009. Funded through the Council's Homelessness Strategy, as part of the overall shift in service provision from dealing with homeless crisis to working to prevent homelessness, mediating between landlords and tenants has been integral to Homeless Prevention between 2009-2014.

The Landlord and Tenant service continues now through Cyrenians CityWide Mediation and Support.

Landlord and Tenant mediation could be regarded as "mediation with muscle" as there are legal implications for the next stage, in the event that landlords, tenants or agents do not engage.

The Landlord and Tenant relationship is commercial with legal obligations on each side. As such the Mediation is commercial though it draws strongly on the Keyworker Practice Model used throughout Cyrenians with particular reference to the differing needs of Landlords, Tenants and Agents. Tenants are visited in their home providing the mediator with a range of insights in to the health and wellbeing of customers; clear sight of repairs; lifestyle issues that might influence the security of the tenant's accommodation.

Landlords or Agents are also met face to face, again so that the mediator is able to hear in person their concerns and barriers to resolving the conflict. These meetings can take place at their office or at Cyrenians offices.

REFERRALS

Who Uses the Service?

- The customers who initially used Landlord & Tenant Mediation were not traditional service users, they had no history of homelessness for 2 or 3 years.
- Between 2013-2014 more traditional service users began to use mediation.
- The situation currently is that any person with a landlord & tenant problem that might lead to homelessness in the City of Edinburgh is accepted. Though tenants may not engage due to substance use or mental health issues or welfare cuts.

Data was recorded using the City of Edinburgh computer programme Edinburgh Common Client Outcomes for customers using Personal Advisors and a simpler system for Mediation only customers. A database to record outcomes and statistics and Survey Monkey for Evaluation. Experience has developed understanding of landlord tenant mediation. Some statistics collated have not been used as they do not reflect the whole period.

MARKETING

Between 2009-2014 a concerted effort was made to ensure that potential referrers were informed of the availability of Landlord and Tenant Mediation. In the earliest target an item read: *Participate in the production of marketing strategy for the Homelessness Prevention Service to meet specified targets, taking responsibility for managing relationships and promotion with landlords, lettings agencies and relevant private sector housing organisation.* This was done in partnership with Cyrenians Homelessness Prevention Service staff as well as alone when mediation was the only element provided.

LANDLORD REGISTRATION

The majority of landlords and agents have improved their practice so we are now reaching agents and landlords on the periphery of the private rented sector. Frequently through referrals from CEC Private Rented Services.

Between June 2009 and June 2014 there was a sharp increase in the number of landlords that registered. This appears to correlate to the increase in the amount of advice and information type of mediation support. As landlords who might be careless but are not venal realise that standards have increased and in order to sincerely adhere to the landlord registration commitment they have to improve their practice there are less joint meetings. As the years have progressed the number of customers - landlords, agents and tenants - who have been referred to mediation have become increasingly difficult to engage as we are beginning connect with the hard to reach tenants.

Banking Crisis **Access to Services** **Debt** **Contract Hours**
Angry Conversations **Benefit Changes** **Zero**
Why do People need Landlord Tenant Mediation
Energy Performance Certificate Gas Safe Certificate
Threats **Inappropriate Texts and Emails** **Right to Remain**
Change of Circumstances **Benefit Cap** **Lifestyle**
Invalid Notices to Quit **Repairs**
Overcrowding **Invalid Leases**
Rent Arrears

WHAT LANDLORDS AND TENANTS SAID:

"Mediation gave me the confidence to speak for myself."
- Tenant

"It helped me understand that the tenant was perhaps feeling vulnerable."
- Landlord

"At the time I was extremely angry with the landlord. I greatly appreciated the intervention of a calm and coherent mediator."
- Tenant

"A plan of action was made, where previously any discussion was impossible."
- Landlord

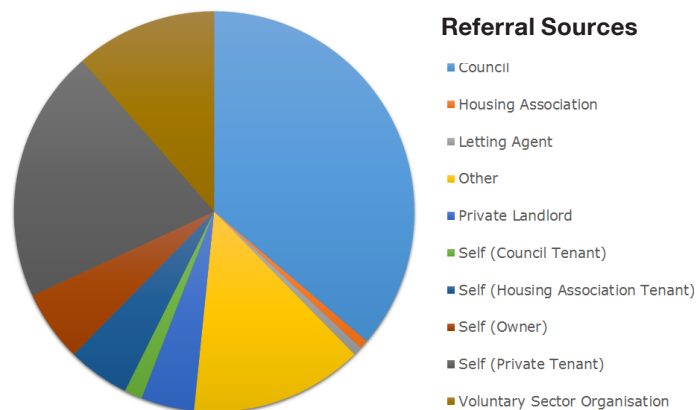
OUTCOMES

There is no initial selecting out of customers for the Landlord & Tenant Mediation Service. This means that everyone who contacts the service is offered a meeting and the potential of mediation.

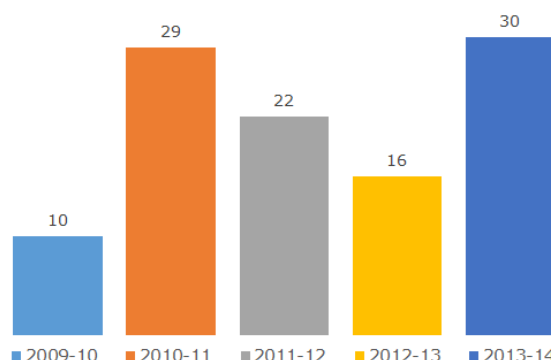
Occasionally it is evident that a party is unsuitable for mediation. The mediator's judgement is based on whether a person can make a decision and follow through on this and deliver what they have agreed. A way around this for people with mental health issues can be if a support worker of family member can support them to follow through on the agreement they reach during the mediation process. Mediation is not win/lose.

The results can be facilitated by the mediation but it is largely inappropriate in the context of homelessness prevention to declare "success". This is due to the fact that a mediator has a window into the life of tenants and a snapshot of a landlord so to assume "success" is inappropriate. As a result the term used by Cyrenians for Landlord Tenant mediation outcomes include success but in practice identify "nudge" as the highest rating. This term is congruent with the Keyworker Practice Model used as the basis for staff practices.

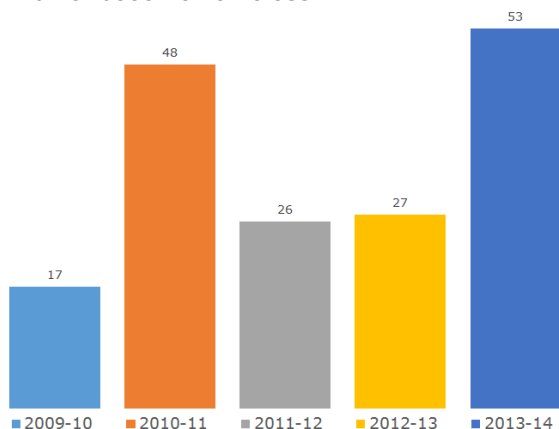
Additionally where the term no longer at risk of homelessness is used, this indicates that there are strong indications from the landlord and tenant that their relationship is on a strong footing, and likely to continue. For instance where repairs have been completed, finance is in place, or a debt repayment scheme is set up and payments are being made.



Mediation nudge



Did not become homeless

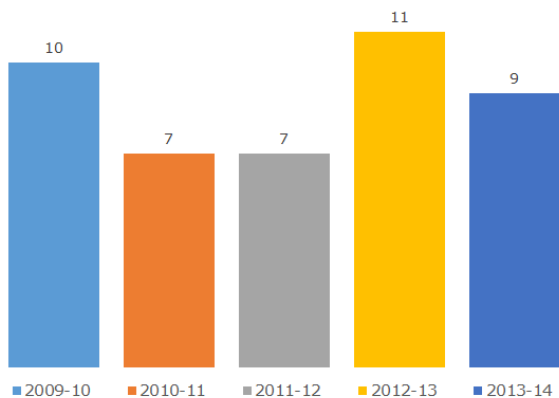


DUTY OF CARE

Over the past few years we have always researched the registration status of landlords in the early stages of the mediation. The reason for this is there seems to be a connection between inappropriate practice and a lack of registration.

It is often the case that unregistered landlords do not carry out essential repairs and ask to be paid in cash so there is no record of the transaction. When difficulties emerge the tactics used by unregistered landlords to ask tenants to leave are illegal. These practices include incorrect notices to quit, letters rather than NTQ, incorrect length notice and heavy handed tactics such as entering flats illegally and harassing tenants.

Did not engage, or were unsuitable for mediation



% of landlords that were registered

