

# Housing

## Ombudsman Service

# REPORT

*COMPLAINT 202220645*

*East Devon District Council*

*14 June 2023*

## **Our approach**

The Housing Ombudsman's approach to investigating and determining complaints is to decide what is fair in all the circumstances of the case. This is set out in the Housing Act 1996 and the Housing Ombudsman Scheme (the Scheme). The Ombudsman considers the evidence and looks to see if there has been any 'maladministration', for example whether the landlord has failed to keep to the law, followed proper procedure, followed good practice or behaved in a reasonable and competent manner.

Both the resident and the landlord have submitted information to the Ombudsman and this has been carefully considered. Their accounts of what has happened are summarised below. This report is not an exhaustive description of all the events that have occurred in relation to this case, but an outline of the key issues as a background to the investigation's findings.

## **The complaint**

1. The complaint is about the landlord's handling of the resident's reports of excessive noise emanating from his air-source heat pump.

## **Background**

2. The resident is an assured tenant of the landlord.
3. In January 2021, the resident raised concerns about his new air-source heat pump system. In response to these reports, the manufacturer attended the property to assess the issue, but no further action was taken.
4. The resident raised a complaint in April 2021, stating that in January the landlord installed the new pump, as means of central heating. This had caused significant noise since being installed especially in the bedroom area, which was disturbing his sleep. He said that despite the manufacturer attending, the noise remained unreasonable. Due to his medical condition he required heating overnight, meaning the noise affected him more severely at night.
5. In August 2021, the landlord attended the resident's property following further reports of noise from the ASHP. The landlord also attended a neighbouring property to assess the noise from that ASHP. It was noted that the neighbour's ASHP was quieter, and the vibrations were "virtually negligible". As a result of this, the manufacturer reattended the property and whilst it acknowledged the neighbour's unit was quieter, it explained that the resident's pump was still within the limits set out for the amount of noise and vibrations that could emanate from it.

6. In its final complaint response in July 2022, the landlord apologised that the ASHP was still causing him disturbance. It acknowledged that the resident believed that the reason for the excessive noise was due to the pump's placement, but that this was a recognised method of installation. However, it said it would attend the property to see if the pump could be moved. The landlord acknowledged that the resident believed that an air brick vent near pump allowed noise to travel through the cavity walls and floorboards. It explained that this could not be removed or blocked as it was required to provide ventilation in the property. In conclusion, it advised the resident that it would return to his property with the installers, check the installation and if necessary complete any works identified.
7. In October 2022, the landlord informed the resident that the manufacturers would not replace the pump, but, in light of the impact it was having, the landlord would replace the pump itself. The landlord has told this Service that the final installation was scheduled for March 2023.
8. The resident referred his complaint to this Service in December 2022. He stated that despite the landlord's efforts to reduce the noise emanating from the ASHP it remained loud and as such, disturbing his sleep. As a resolution, the resident requested for the ASHP to be moved so he can sleep again.

## **Assessment and findings**

### *Scope of investigation*

9. In his complaint to the Ombudsman the resident referred to concerns that a neighbour's solar panels are blocking radio transmission and reception. The resident raised this as part of his first complaint to the landlord in 2021. However, there is no evidence that he escalated his concerns following the landlord's first complaint response, and so the issue has not exhausted the landlord's complaints process. Because of that the issue will not be considered in this report, as the landlord needs to be given the full opportunity to formally respond. The resident will need to contact the landlord and, if appropriate, raise a separate complaint to get this matter resolved.

### *Handling of the resident's reports of excessive noise emanating from his air-source heat pump*

10. Upon receiving reports of unusual noise levels from heating equipment, a landlord would usually be expected to attend, inspect and assess. If necessary and where relevant, a landlord might also ask specialists to attend to check the equipment and assess the reported problem. Any recommendations made would be expected to be implemented by the landlord, unless there was an appropriate reason not to.

11. In this case, the landlord asked the pump manufacturer, the installer, and its specialised contractors to assess the heat unit. These were appropriate steps for the landlord to take, as it needed to thoroughly assess the unit and the noise it was causing. All parties who attended concluded that the noise from the pump was not typical for the type of unit, but did not exceed the recommended limits. As such, no further action was recommended for the landlord to take. The landlord was entitled to rely upon the professional opinions it received, and nothing in the evidence indicates it had any reason to dispute their advice.
12. As a resolution to his complaint, the resident asked for the landlord to move the pump fan and compressor. In the evidence provided, the landlord has agreed to install a new heating system in an effort to reduce the noise. This highlights the landlord's willingness to support the resident in his complaint, and in seeking the outcome he desired even at a cost to itself.
13. It is important to appreciate that, generally, if the heating unit is working correctly, was installed properly, and its effects are within the required limits and tolerances, a landlord would not usually be obliged to take any further action. Nonetheless, in such a situation, if a tenant was experiencing an impact on their wellbeing from a normally functioning system, a landlord would typically be expected to attempt to offer such assistance and support as was relevant and reasonable.
14. Overall, the landlord responded appropriately to the landlord's reports and complaints. It arranged inspections by relevant operatives, who were not able to identify any clear problems with the heating system. The landlord then went above its obligations by arranging to install a new system anyway, in an effort to address the resident's concerns. These actions were reasonable and in line with good practice and customer service.

### **Determination**

15. In accordance with paragraph 52 of the Housing Ombudsman Scheme, there was no maladministration by the landlord in respect of the complaint.