

Decision	
Case ID	202341614
Decision type	Investigation
Landlord	Bury Metropolitan Borough Council
Landlord type	Local Authority
Occupancy	Secure Tenancy
Date	29 April 2026

Background

1. The resident lives in a flat. In February 2023, she complained to the landlord about noise coming from the flat above.

What the complaint is about

2. The complaint is about the landlords handling of the residents reports of:
 - Fly tipping.
 - Noise from the flat above.
 - Complaint handling.

Our decision (determination)

3. We have found that the complaint about the landlords handling of the residents reports of fly tipping is outside our jurisdiction.
4. We have found that there was:
 - a. maladministration in the landlords handling of the resident's reports of noise.
 - b. maladministration in the landlords handling of the associated complaint.

We have made orders for the landlord to put things right.

Summary of reasons

Handling of reports of fly tipping

5. The resident has not complained formally to the landlord about this issue.

Handling of the resident's reports of noise from the flat above.

6. The landlord delayed in addressing the resident's concerns about noise and failed to address her concerns in line with its policies.

Complaint handling

7. The landlord delayed in providing a stage 1 complaint response.

Putting things right

Where we find service failure, maladministration or severe maladministration we can make orders for the landlord to put things right. We have the discretion to make recommendations in all other cases within our jurisdiction.

Orders

Landlords **must** comply with our orders in the manner and timescales we specify. The landlord must provide documentary evidence of compliance with our orders by the **due date** set.

Order	What the landlord must do	Due date
1	<p>Apology order</p> <p>The landlord must apologise in writing to the resident for the failures identified in this report. The landlord must ensure:</p> <ul style="list-style-type: none"> • The apology is specific to the failures identified in this decision, meaningful and empathetic. • It has due regard to our apologies guidance. 	No later than 27 May 2026
2	<p>Compensation order</p> <p>The landlord must pay the resident £700 made up as follows:</p> <p>£600 for failures in handling the resident's reports of noise.</p> <p>£100 for complaint handling.</p> <p>This sum must be paid directly to the resident and the landlord must provide documentary evidence of payment by the due date.</p> <p>It may deduct from the total figure the £200 it has already paid.</p>	No later than 27 May 2026
3	<p>Specific action order</p> <p>By the due date, the landlord must:</p> <ul style="list-style-type: none"> • consider providing noise monitoring equipment to the resident and send her an explanation of its decision. If it decides to offer it, it should give an installation date within 6 months. • Consider inviting the resident to take part in mediation 	No later than 27 May 2026

Order	What the landlord must do	Due date
	<ul style="list-style-type: none"> discuss rehousing options with the resident. It must provide evidence of having done these to us by the due date.	

Recommendation

Our recommendations are not binding, and a landlord may decide not to follow them.

Our recommendations
The landlord should assess itself against the “Time to be Heard” Spotlight Report.

Our investigation

The complaint procedure

Date	What happened
24 August 2023	The resident complained formally about the landlord’s handling of her request for information about whether the flat above had carpets.
22 November 2023	The resident complained about the fact that the landlord had not responded to her previous complaint.
6 December 2023	The landlord provided its stage 1 complaint response. It said: <ul style="list-style-type: none"> It apologised for its failure to investigate her concerns sooner. It noted that the resident had chased it for action several times. It offered her £200 in compensation for its failure to investigate. A housing officer would contact her within 5 days.
20 February 2024	The resident asked to escalate her complaint to stage 2. She said: <ul style="list-style-type: none"> There were no carpets in the flat above and noise was being transferred. The landlord had said it would be carpeted throughout. She wanted a housing officer to visit after 3pm to hear noise made by the children. The noise of the neighbour’s puppies kept her awake.

Date	What happened
	<ul style="list-style-type: none"> The landlord had delayed unacceptably in dealing with her case.
6 March 2024	<p>The landlord gave its stage 2 complaint response. It said:</p> <ul style="list-style-type: none"> It had visited the property on 1 March 2024. It accepted that noise was being transferred from the flat above. It would investigate the possibility of installing soundproofing. Its officer had visited the property and accepted that the children made noise which could be heard below. It accepted that the puppies made noise. It would tell the neighbour that they were not allowed to have puppies. It apologised that the resident had had to wait 3 weeks for the landlord to visit after 3pm but this was the first date when all parties were available. It could not force its tenants to install carpeting. It said the neighbour currently had lino flooring as this helped with cleaning. It could not insist that they changed this. It did not uphold the complaint. It would continue to seek a resolution to reduce the noise.
30 August 2024	<p>The resident asked us to investigate her complaint. She said the noise problem persisted and was causing her distress.</p>

What we found and why

The circumstances of this complaint are well known by the parties involved, so it is not necessary to detail everything that has happened or comment on all the information we have reviewed. We have only included the key information that forms the basis of our decision of whether the landlord is responsible for maladministration.

Complaint	Handling of the resident's reports of fly tipping
Finding	Outside jurisdiction

8. The Scheme say we may not investigate matters which have not been through a landlord's internal complaints process. The resident has asked us to investigate her

concerns about fly tipping around the property. However, as she did not raise this issue in her formal complaint to the landlord, we will not investigate this part of her complaint.

Complaint	Handling of the resident's reports of noise from the flat above
Finding	Maladministration

What we have not investigated

9. The resident has asked us to investigate her ongoing concerns about noise which have occurred since she received her final complaint response from the landlord. We may not usually investigate complaints which the landlord has not had the chance to put right through its complaints process.
10. We have seen no evidence that the resident has raised complaints about these concerns. Therefore, we will not investigate concerns about noise which occurred after she received her stage 2 complaint response in March 2024.

What we have investigated

11. The resident says that her concerns about noise from the flat above began over 5 years ago when the current tenant (the neighbour) moved in. She says that they have children and pets and the noise of footsteps and general living are transmitted through floors and walls. She does not blame the neighbour for most of the noise she experiences.
12. The earliest the resident contacted the landlord about the problem of transferred noise that we have seen came on 1 February 2023 when she asked a housing officer whether the flat above had carpets because the noise seemed so loud in the property. We have seen no record of the landlord taking any action after this contact.
13. The resident followed up this report with a request for information on 15 March 2023. Again, so far as we have seen, she received no response. However, it is likely that there were some contacts as the resident refers to frequently contacting the landlord and she was clearly asked to fill in diary sheets at some point.
14. The resident complained formally on 24 August 2023 about the landlord's failure to respond to her requests for information. In her complaint, she referred to having asked for information "repeatedly" and said that "filling in diary sheets is a waste of time".
15. As we have not seen complete records, we cannot be sure what, if any, further actions the landlord took during this period other than asking the resident to fill in diary sheets. We note that this is normally appropriate in antisocial behaviour (ASB) cases.

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16. The landlord has provided a copy of its Statement of Antisocial Behaviour Policy and Procedure but has not provided a copy of its transferred noise policy. We have not been able to find a noise policy online.
17. The Ombudsman issued a spotlight report about noise complaints called Time to be Heard in October 2022. This states that landlords should not treat noise complaints as ASB complaints. It says this is a “fundamental unfairness” which “entrenches disputes”. Treating noise complaints as being about noise, rather than ASB, avoids causing distress and “residents completing countless diary sheets to no avail.”
18. The report also sets out actions that landlords should take to manage noise concerns effectively. These include investigating fully, undertaking risk assessments and producing action plans. It says that landlords need to improve their record keeping and communications to reduce customer frustration.
19. The available evidence shows that the landlord treated the case primarily as an ASB case. While the resident did report some ASB, treating the entire case as being about ASB meant that it missed the core of her concerns.
20. The landlord initially failed to undertake a noise assessment or investigate noise transference. The records that we have seen do not provide a full picture of events and so we assume its record keeping was inadequate. The resident has said its communications were poor and, based on the records we have seen, we agree. Overall, its handling of the resident’s concerns was not of the standard we would hope to see.
21. In its stage 1 response of 6 December 2023, the landlord apologised for the delay in providing a response to the resident’s requests for information. It offered her £200 for this failure and said that it would investigate. Given the length of the delay, nearly a year by this point, and the impact on the resident, according to our guidance on compensation, £200 was not sufficient to remedy the impact of its failures. We have therefore ordered it to pay £400 in total in consideration of these failures.
22. The resident made several requests for noise monitoring equipment (NME) during 2023. On 5 December 2023, the landlord stated that it would not provide it as there was no malice involved. This was not a reason not to install NME according to its policy which states that, where a complaint involves noise, the ASB team will consider using NME.
23. As this was a case where the resident complained of noise, on the face of it, NME might have been appropriate. We have therefore ordered the landlord to reconsider this decision and inform us and the resident of its decision.

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24. Further, on the evidence, after the stage 1 response, the landlord failed to investigate the resident's case effectively as it had promised to do. Its officer visited her and asked her to download its noise app shortly after the stage 2 response. The resident wrote to it on 9 December 2023 saying that the app did not work with transferred sound. She added, "Noise nuisance doesn't have to be maliciously intended to be a nuisance".
25. It seems that, by continuing to treat her case, effectively, as an ASB case, the landlord failed to address the resident's legitimate concerns for a lengthy period. Because the problem continued, she asked to escalate her complaint to stage 2 on 20 February 2024.
26. As part of the stage 2 investigation, the landlord visited the property and witnessed the noise experienced by the resident. An officer wrote, "I could hear thudding sounds from upstairs that sounded like in the living room and bedroom – It sounded like people just moving around or like a scraping noise which I wasn't sure if it was cleaning."
27. In the stage 2 complaint response of 6 March 2024, the landlord said that it accepted that there was noise transference between the property and the upstairs flat. It said it would investigate and try to find a solution. However, it said that it did not uphold her complaint despite the fact that she had first raised the issue over a year before. This was, therefore, an inadequate complaint response. The landlord failed to acknowledge the resident's concerns over a protracted period or to accept that it had failed to address them.
28. Further, having said that it would investigate soundproofing, the landlord did not do so in a timely manner. It did not approach a contractor about soundproofing until June 2024, more than 3 months after the stage 2 response. This was an additional maladministration for which we have increased the compensation in line with our compensation guidance.
29. The landlord received a quote for soundproofing works in early July 2024 and found that they would be likely to cost more than £12,000 and would not be effective in reducing noise. Senior staff then decided that they would not fund the works.
30. This was a decision that the landlord was entitled to take. This has, however, left the resident frustrated with the landlord's failure to address her concerns. On the evidence, it has failed to discuss options with her or investigate other possibilities.
31. The landlord believes it would be better for the resident if she were to move as it cannot effectively reduce the noise. She has said that she does not wish to do so.

32. The landlord has considered the possibility of installing soundproofing and dismissed it as too expensive and unlikely to solve the problem. This was a reasonable decision on the facts. It has no legal duty to do more.
33. However, given that the resident continues to experience noise nuisance, we have ordered it to consider other options such as mediation or offering the resident alternative accommodation.

Complaint	The handling of the complaint
Finding	Maladministration

Our Complaint Handling Code (the Code) sets out when and how a landlord should respond to complaints. Our findings are:

34. The landlord's published complaints policy complies with the terms of the Code in respect of timescales which says that landlords should provide a complaint response within 10 working days of a complaint. It must provide a stage 2 response within 20 working days of a request for a stage 2 review. It can ask for a maximum of 20 extra working days to deal with complex complaints which require further investigation. It must acknowledge complaints and escalation requests in writing within 5 working days.
35. In this case, the resident wrote to the landlord on 24 August 2023. It failed to spot that this was a formal complaint. This was clearly, in its wording, a complaint. The Code says that a complaint is an expression of dissatisfaction no matter how it is worded and it is not necessary for complainants to state formally that it is a complaint. It should, therefore, have opened a complaint for her.
36. The resident wrote to the landlord again on 21 October 2023 and asked for a complaint response. The landlord provided the response on 6 December 2023, 74 working days after the original complaint and 32 working days after the resident's follow-up email. This was poor complaint handling. The landlord stated, in the stage 1 response that the resident had complained on 22 November 2023. This was not the case.
37. In the stage 1 response, while the landlord apologised for its failure to investigate the resident's concerns about noise, it did not apologise for any delay in providing its stage 1 response, as would have been appropriate. The delay in this case was lengthy and, particularly as the landlord failed to acknowledge or apologise for it, amounts to

maladministration. We have made an order that the landlord must pay the resident £100, which is in line with our guidance on compensation.

38. At stage 2, the landlord took 11 days to respond. This was well within its policy commitment.

Learning

39. We encourage landlords to visit the library of resources on topics such as complaint handling, repairs, knowledge and information management, and Awaab's Law on our website. www.housing-ombudsman.org.uk/centre-for-learning

Knowledge information management (record keeping)

40. The landlord's records are limited. This seems to have contributed to failures in this case. The landlord should consider the recommendations in the Ombudsman's spotlight report on Knowledge and Information Management for accurate record keeping.

Communication

41. At the centre of this case is poor communication by the landlord. It should be aware of the importance of prompt, polite and accurate communication.