

Decision	
Case ID	202517829
Decision type	Investigation
Landlord	Bury Metropolitan Borough Council
Landlord type	Local Authority / ALMO or TMO
Occupancy	Secure Tenancy
Date	26 January 2026

Background

1. The resident's complaint centres around reports they made about the neighbour smoking cannabis. The landlord owns and manages the resident's property as well as her next-door neighbour's property. The landlord confirms the resident and her daughter both have long-term ongoing respiratory conditions.

What the complaint is about

2. The complaint is about the landlord's handling of antisocial behaviour (ASB) reports.
3. The Ombudsman has also considered the landlord's complaint handling.

Our decision (determination)

4. There was maladministration in the landlord's handling of the resident's:
 - a. Reports of ASB.
 - b. Complaint.

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

Summary of reasons

5. The landlord delayed some of the steps required under its ASB process including the risk assessment and action plan, and it did not complete some of the actions it promised to the resident. Its record keeping was also poor.
6. Due to the very long delays at stage 1, the lack of acknowledgement at stage 2, and the failure to complete agreed follow up actions, the Ombudsman finds maladministration in the landlord's complaint handling.

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 provided by a senior member of staff. • The apology is specific to the failures identified in this decision, meaningful and empathetic. • It has due regard to our apologies guidance. 	<p>No later than</p> <p>27 February 2026</p>
2	<p>Compensation order</p> <p>The landlord must pay the resident £325 made up as follows:</p> <ul style="list-style-type: none"> • £175 to recognise the distress and inconvenience caused to the resident and her daughter for the handling of the ASB. • £150 to recognise the distress and inconvenience caused by the complaint handling delays and failures identified, and the distress and inconvenience caused. <p>This must be paid directly to the resident by the due date. The landlord must provide documentary evidence of payment by the due date.</p> <p>The landlord may deduct from the total figure any payments it has already paid.</p>	<p>No later than</p> <p>27 February 2026</p>

Recommendations

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

Our recommendations

The landlord should review its internal practices and systems to determine if improvements can be made to ensure caseworkers and housing officers are reminded of the actions agreed with residents and the need to follow up with these.

Our investigation

The complaint procedure

Date	What happened
9 October 2024	<p>The resident raised a stage 1 complaint. We have not seen a copy of the resident's complaint. However, the landlord's notes say the complaint was about a smell of cannabis coming from the resident's next door neighbour's property. The notes confirm this was having an adverse impact on the physical and mental health of the resident and her daughter.</p>
20 December 2024	<p>The landlord acknowledged the complaint in writing and made an appointment to meet the resident at its offices on 14 January 2025 to discuss the matter further.</p>
27 March 2025	<p>The landlord sent its stage 1 response. It said it had asked the resident during the meeting on 14 January 2025 to call it when the smell of cannabis was present so it could attend immediately. However, it had received no calls or further reports from the resident.</p> <p>It had completed a risk assessment and action plan in October 2024 when it first opened the ASB case. However, it acknowledged it had not sent the resident a copy of this.</p> <p>It had visited the area at least 7 times over a period of 3 months and had never witnessed any suspicious smells. It had also passed the resident's reports to the local police service. The police had told the landlord it had made enquiries but was not taking any further action. The landlord's contractors had also attended the neighbour's house for a repair on 26 November 2024 but reported no concerns.</p> <p>It did not have enough evidence to pursue any action against the resident's neighbour. However, it would still make weekly visits at different times of the day to try to witness the smell. It would monitor the situation until 2 May 2025 before deciding whether to close the case or keep it open. It also recommended mediation as a way for the resident</p>

Date	What happened
	to resolve the issue with her neighbour and asked her to notify it if she wished to do this.
28 April 2025	The resident had a call with the landlord and requested a stage 2 complaint response. She said she had left messages with her housing officer several times to report cannabis smells but had received no reply. She had reported the cannabis smell again that day and the housing officer attended 20 minutes later. The housing officer was not wearing a mask despite knowing of the resident's vulnerability. He had wanted to discuss the matter with the resident on her doorstep which had caused confidentiality concerns. The resident had asked the housing officer to knock on the neighbour's house while the smell was present, but he had refused this, saying he could not smell anything. She felt the housing officer lacked interest in the case and she had no confidence in him.
19 May 2025	The landlord sent its stage 2 response. It said that it could only treat the matter as an unpleasant odour because the police had not charged her neighbour with drug possession. It had tried numerous times to witness the smell of cannabis without success, including 3 visits in April 2025. Due to her concerns about the housing officer, it would assign a new housing officer to the case. She would contact the resident within 5 working days to introduce herself. It asked for the resident to continue reporting any issues to the new housing officer.
Referral to the Ombudsman	The resident wants the Ombudsman to investigate the landlord's handling of the matter as she feels the landlord has done nothing to resolve the problem.

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's happened or comment on all the information we've reviewed. We've only included the key information that forms the basis of our decision of whether the landlord is responsible for maladministration.

Complaint	The landlord's handling of the resident's reports of ASB
Finding	Maladministration

7. Section 2.2s and 3 of the landlord's ASB policy confirm it will assess the potential risk of harm posed by any alleged ASB by questioning the resident. It will then prioritise the alleged ASB, reporting more serious incidents to the police within 24 hours or acknowledging less serious incidents within 5 working days. It says a risk assessment and action plan will be completed in the early stages of an ASB case.
8. We can see that the landlord was in verbal contact with the resident regarding the alleged ASB on 9 October 2024. This was a verbal acknowledgement. However, there is no evidence that the landlord acknowledged the reports in writing or provided the resident with an ASB case number. This is no explicit requirement for this in the landlord's policy, but this is seen as good practice to enable the resident to more easily document and track progress of the case and evidence the resident was updated.
9. While the landlord said that it had completed a risk assessment, it has not sent us clear documented evidence of this and the action plan it says it completed in October 2024. It has provided us with a copy of a questionnaire it completed to determine if the resident was vulnerable, but this has no date on it. The landlord completed a second, identical questionnaire on 15 July 2025, which was 9 months after the resident began reporting the alleged ASB. The earliest record we can see of a verbal action plan are the notes from the in-person meeting on 14 January 2025, where actions were agreed. However, there were no target dates for the actions agreed at the meeting. The landlord did not produce an action plan document until many months later on 8 July 2025.
10. The landlord visited the area to witness smells on: 9 October 2024 at 9am, 28 October 2024 at 9.30am, 4 November 2024 at 8am and a further noted visit with no date or time. On the 3 properly documented occasions it visited, the visits were all between 8am and

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9.30am. There is no evidence to support that the landlord visited on at least 7 occasions at different times of the day, as it claimed.

11. We have seen no documentary evidence to show the landlord attended between 27 March 2025 and 2 May 2025, as it promised. The next visits on record were 28 April 2025 and 15 May 2025. The landlord only attended on the former date because the resident called the housing officer to advise the smell was present. It attended on the later date in response to the stage 2 complaint the resident made about the housing officer on 28 April 2025.
12. The housing officer did not wear a mask when he visited the resident's property on 28 April 2025. This was despite it being noted on 9 October 2024 and 14 January 2025 that the resident requested masks be worn during meetings because of the household vulnerabilities.
13. The landlord promised the new housing officer would contact the resident within 5 working days. We have seen no documentary evidence the new housing officer did this. The next evidence of the housing officer contacting the resident was an in-person visit on 3 July 2025.
14. While most of the resident's complaints were about a cannabis smell, the resident also said on occasions she would hear the neighbours loudly arguing about cannabis and money. The landlord discussed assisting the resident with a noise recording app at the meeting on 14 January 2025. The landlord's records suggest it provided the resident and her daughter with pre-loaded SIM cards in early March 2025 to help with this, which was good customer service. However, there is no evidence to show the landlord followed up with advice or assistance with how to install or use the noise recording app.
15. It is clear the landlord cannot demonstrate it took some of the actions it said it did or promised. This includes the risk assessment and action plan and it did not complete some of the actions it promised to the resident. It also did not provide the resident with a case number or written updates.
16. It is clear this will have been upsetting and frustrating to the resident. However, had the landlord done what it had promised, there is no evidence to confirm it still would have witnessed the cannabis use or that it could have taken any formal tenancy enforcement. Therefore, we will award compensation for the upset, frustration and annoyance caused by the landlord's handling of the matter. On review of the case and our guidance on remedies, a fair award would be £175.

Complaint	The handling of the complaint
Finding	Maladministration

17. Paragraph 6.2 of the Ombudsman's Complaint Handling Code (the Code) says the landlord must acknowledge stage 1 complaints within 5 working days of receiving the complaint. Paragraph 6.3 of the Code says the landlord must issue the stage 1 response within 10 working days of acknowledgement.
18. It took the landlord until 20 December 2024 (52 working days) to acknowledge the complaint and a further 66 working days to send the stage 1 response. These response times far exceeded the required timescales in the Code.
19. In its stage 1 response, the landlord referred to an acknowledgement it sent on 4 March 2025. We have not seen a copy of this. Paragraph 6.11 of the Code says the landlord must acknowledge stage 2 complaints within 5 working days of the request being received. We have seen no evidence the landlord acknowledged the stage 2 request before sending its response.
20. The stage 2 response said it upheld the resident's complaint, while also saying the landlord had followed its process correctly and offering no resolution. This was not clear communication.
21. As outlined above, we have identified that the landlord did not complete follow up actions promised in its complaint response. This is contrary to section 7.3 of the Code, which says any resolution offered must be followed through to completion. Due to the very long delays at stage 1, the lack of acknowledgement at stage 2, and the failure to complete agreed follow up actions, the Ombudsman finds maladministration.
22. Given that the complaint procedure was unreasonably delayed by the landlord at an already upsetting time for the resident, this is likely to have had some impact on the resident. As such, we consider £150 compensation is fair to recognise the unreasonable delays and upset caused.

Learning

Knowledge information management (record keeping)

23. There was an instance when the landlord did not include the date and time it visited the property and another instance it did not complete the date of a risk assessment form.

There may have been further occasions when the landlord visited the property and did not make a record of this. The landlord should consider reviewing its internal record keeping practices to ensure these are dependable and remind its housing officers of the importance of accurate record keeping.

Communication

24. The landlord did not send a written acknowledgement of the ASB reports or provide a case number. This can leave residents without a record of what has been agreed.
25. The landlord did not complete follow up actions with the resident promised in its complaint response.

The handling of ASB

26. When complaints are made about smells, which can be difficult to evidence – maladministration could be avoided where landlords have a strategy for dealing with such reports – including:
 - a. Collecting intel about when most of the incidents occur (morning, afternoon, evening). This could be diaries.
 - b. Attending sites and premises around those times to try to witness the smells.
 - c. Signposting to environmental health and police as responsive services too, as well as liaising with such services.