



Primary Authority Partnerships

Warwickshire County Council Trading Standards & National Federation of Property Professionals & The Property Ombudsman

Primary Authority Advice

Advice requested:

Should Agents inform a prospective tenant that there has been a burglary, or multiple burglaries in the property they are applying to let?

Legislation considered:

Consumer Protection from Unfair Trading Regulations 2008 (as amended) ("CPRs")

Other Material considered:

National Trading Standards Estate Agency Team Guidance on Property Sales, September 2015 ("NTS Guidance")

Improving the Private Rented Sector and Tackling Bad Practice, March 2015: DCLG ("DCLG Guidance")

Guidance for lettings professionals on consumer protection law, June 2014: CMA ("CMA Guidance")

Assured Advice Issued:

Burglary

Each property should be considered on a case by case basis as the circumstances will be different each time. If a burglary resulted from a defect in the property's security, which has not been rectified, then it will be necessary to disclose this, as material information.

When the defect has been professionally rectified and is no longer present, the property is now secure; therefore, it would no longer be considered material information the consumer needs to know.

Multiple Burglaries

The NTS Guidance suggests that material information would include 'any significant...occurrences at the property' (page 19). We would suggest that two or more burglaries occurring at the same property within a period of 12 months, is significant and the facts should be disclosed.



Where a significant number of burglaries at a property occur (as described above), even if they were the result of defects in security, which have now been rectified, the facts should still be disclosed. The agent can always provide additional information to potential buyers on the rectification works that have been carried out.

This advice only applies to England, Wales & Scotland.

Date Advice is Effective from:

28 11 2016

Reference and renewal:

The reference for this advice is: WTS/NFOPP/TPOS/22

This advice shall be reviewed in 12 months from the effective date.