

CobbWarren

SOCIAL HOUSING BULLETIN – DECEMBER 2025



WHAT'S IN DECEMBER'S EDITION?

Before we get into this month's updates, we're delighted to welcome **Eryk Korben** to the team. Eryk joins us as a paralegal and is currently studying for his LLB at the University of Law in Bristol. Born in Poland and raised in Bath, he's bilingual and brings a fresh perspective to our housing law work. Welcome aboard, Eryk!

Here's what's coming up this month:

- The Ombudsman's latest [severe maladministration report on damp and mould](#) – what Awaab's Law means for you now (189 words)
- A County Court ruling that found a [section 21 notice invalid](#) – and why the date on the notice matters (182 words)
- What the *Mazur* judgment means for [social landlords who conduct their own litigation](#) (180 words)

- In case you missed it: our comprehensive [guide to the Renters' Rights Act 2025](#) (135 words)

MUSHROOMS ON A CHILD'S BEDROOM WALL – THE OMBUDSMAN'S LATEST DAMP AND MOULD REPORT

The Housing Ombudsman published its latest severe maladministration report on damp and mould on 28 October, timed to coincide with Awaab's Law coming into force. The report focuses on where landlords missed opportunities to put things right after formal complaints were made.

The cases make for uncomfortable reading. Among them: a resident reporting carpets wet to touch, another with mushrooms growing on their child's bedroom wall, and another household experiencing water running down their child's wall when it rains.

The report examines recurring issues including delays to inspections, delays to works, and failures to keep proper records. **The learning is directly relevant to Awaab's Law requirements:** how to assess risk properly, when to provide temporary moves, and why record-keeping matters more than ever.

What this means for you: Awaab's Law is now in force. The Ombudsman is watching how landlords respond to damp and mould complaints, particularly after a formal complaint has been made. **Key actions:** ensure your teams understand the investigation and reporting timescales, review your risk assessment processes, and check that your systems can track and evidence compliance.

The full report is available on the Housing Ombudsman's website [here](#).



WHEN A SECTION 21 NOTICE ISN'T VALID – EVEN IF YOU WAIT TO ISSUE PROCEEDINGS

In a recent County Court appeal, a social landlord's section 21 notice was ruled invalid because the date it specified fell within the tenant's fixed term – even though the landlord didn't actually start possession proceedings until after the fixed term had ended.

The case: Paragon Asra Housing (PA Housing) served a section 21 notice in August 2021 during the Covid period, when four months' notice was required. The notice stated the tenant had to leave after 5 December 2021. But the tenant's fixed term didn't end until 25 December 2021 – twenty days later.

PA Housing didn't issue proceedings until after the fixed term ended. At the initial hearing in May 2023, the tenant (who was unrepresented) didn't raise the issue. Possession was granted. The tenant later appealed.

HHJ Richard Hedley allowed the appeal. He held that the notice had to reflect the landlord's true entitlement to possession. The judge found the notice failed to do this because it told the tenant to leave on a date when the landlord had no legal right to insist she did. As he wrote: "Put simply, [PA Housing] failed to ensure that the Section 21 notice reflected its true entitlement."

What this means for you: This is a County Court decision, so it's not binding on other courts. But it provides a clear warning: **check the dates on your section 21 notices carefully.** The notice must specify a date after the fixed term ends, not just the date you plan to issue proceedings.



GOOD NEWS FOR SOCIAL LANDLORDS CONDUCTING LITIGATION (BUT CHECK YOUR PAPERWORK)

A recent High Court judgment has clarified who can conduct litigation under the Legal Services Act 2007 – and it contains reassuring news for social landlords, with one important proviso.

The case: *Mazur & Anor v Charles Russell Speechlys LLP* addressed a widespread misconception in the legal profession. Many believed that non-lawyers (such as paralegals) could conduct litigation simply because they were

supervised by a solicitor or employed by a law firm. **The High Court said no.** To conduct litigation, you must be either an authorised person (like a solicitor) or an exempt person. Supervision doesn't make you authorised.

Here's the good news for social landlords: Your employees **are** exempt persons. Why? Because as a registered provider, you're a party to the proceedings. Under the Legal Services Act 2007, an exempt person (including a corporate body) can carry out reserved legal activities through its employees.

The proviso: You need to ensure anyone conducting litigation on your behalf has written authorisation to do so. This could be through a constitutional document (like a scheme of delegations) or a specific written authorisation for that person.

What this means for you: You can continue to conduct litigation in-house through your employees. **But take action now:** review your scheme of delegations or create written authorisations for staff who handle court proceedings. It's a straightforward step that protects your position.

There are three exceptions where the exemption may not apply. If you'd like us to talk you through those, just get in touch.



IN CASE YOU MISSED IT: OUR GUIDE TO THE RENTERS' RIGHTS ACT 2025

We sent out a newsflash on this in November, but if it passed you by in the pre-Christmas rush, here's a quick reminder.

The Renters' Rights Act 2025 received Royal Assent on 27 October. The provisions will be phased in, with the social rented sector moving to the new tenancy system in 2027. The Government has also published a roadmap setting out indicative dates for when different parts of the Act will apply.

Our comprehensive guide covers everything you need to know: the abolition of fixed-term tenancies and Assured Shorthold tenancies, new and amended possession grounds, changes to how courts will consider anti-social behaviour cases, revised rent increase procedures, the ban on rent in advance, changes to Notices to Quit, what's happening with Shared Ownership leases, and the new provisions on pets for private landlords.

It's all on our website: [CobbWarren's Renters Rights Act 2025 guide for social landlords](#)

We'll be updating the guide as secondary legislation is published, so bookmark it for future reference.



COMING SOON...

We've been busy putting together something we think you'll find useful. If you're a housing officer managing ASB cases – the ones that keep you up at night wondering if you've missed something – this is for you.

It's a practical email course. Five days. Five common mistakes that turn well-intentioned ASB work into maladministration findings. And most importantly, what to do instead.

We've spent months digging through Ombudsman reports, court judgments, and our own case files to distil the patterns that matter. No fluff. No generic advice. Just the stuff that actually helps when you're dealing with a difficult case on a Friday afternoon.

Keep an eye on your inbox. We'll let you know when it's ready.



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