Discrimination by Letting Agents

Discrimination by landlords and letting agents is nothing new. The infamous signage - “No Irish, No Blacks, No Dogs” - ranks among the most powerful symbols of a type of discrimination that many think belongs in the past. Two recent English cases show the continued existence of discriminatory practices by letting agents but also highlight the impact of using the Equality Act to challenge them.

**EHRC v Fergus Wilson**

Fergus Wilson is a buy-to-let investor and landlord with a large portfolio of properties in Kent. Last year, the Commission were alerted to Mr Wilson’s attempts to restrict the letting of his properties on racial grounds. Specifically, he sent his lettings agents a directive which stipulated “no coloured people because of the smell of curry at the end of the tenancy”.

The Commission duly wrote to Mr Wilson, highlighting the discriminatory nature of this policy and calling on him to retract it. When he refused, the Commission used its enforcement powers under Equality Act 2006 to apply to court for an injunction to prevent someone becoming victim of direct discrimination.

In November 2017, HHJ Polden, sitting at Maidstone County Court, granted the injunction and ordered Mr Wilson to pay the Commission’s legal costs. In doing so, Polden said “I find the policy is unlawful. Such a policy has no place in our society.”
Rosie Keogh v Nicholas George Ltd

Rosie Keogh is a single parent who worked as a cleaner. In May 2016, she contacted a Birmingham-based letting agent in response to an advert. However, her application to rent the property was blocked when she told the agent that part of the income she would use to meet the rent would come from Housing Benefit.

After the letting agent dismissed her letter of complaint, Ms Keogh raised proceedings under the Equality Act 2010 in Birmingham County Court, with assistance from Shelter and the Bar Pro-Bono Unit. She claimed that the letting agent operated a blanket policy of withholding lets from those in receipt of welfare benefits and in doing so, indirectly discriminated against women as they were statistically more likely to be in receipt of such benefits than men.

In February 2018, the letting agent admitted indirect discrimination on the grounds of sex and settled Ms Keogh’s claim out of court with a payment of £2,000 compensation.

Although this claim did not produce a judicial decision, the outcome reflects the Commission’s position that landlords and letting agents operating what is sometimes termed a ‘no DSS’ rule are very likely to be unlawfully discriminating against prospective tenants.

It is not just women who may be victims of such discrimination; such a rule may also discriminate against people with disabilities or members of other groups with protected characteristics who are disproportionately represented among benefit claimants.

If you come across problems of this sort, remember that support is available for victims of discrimination in housing through the Commission’s current Legal Support Project: Education, Services and Housing. See our website for more information.