

## CO-Gas Safety Unintentional Carbon Monoxide Poisoning Case Study

### **TOM NEAL, Survived in 2014**



**Fuel:** Mains gas

**Appliance & Location:** Gas fire in rented family home

**Notes by CO-Gas Safety:** CO-Gas Safety was able to help Tom with information about gas safety and the legislation that applies to rental properties. He and his family had been suffering symptoms of carbon monoxide poisoning over several years and, when Stephanie Trotter's help led to his gas appliance being condemned, Tom was shocked at the lack of legal empowerment available in such circumstances.

*Tom Neal and family*

In 2014 my landlord decided he wanted to redevelop his property, and he took steps to evict me from the home that I had been renting from him for almost 20 years. Legal proceedings followed. Suffice it to say that in this case the law was on my side.

#### **Contact with CO-Gas Safety**

One outcome of this contentious incident was my discovery (thanks to Stephanie Trotter of CO-Gas Safety) of a landlord's obligation to conduct annual Gas Safety Checks. This requirement had, for the most part, been ignored by my landlord, and based on what I have learned since, I do not believe my landlord's inaction could be described as either rare or unique.

The above point is important because my wife, daughter and I had, over the years, experienced unrecognised symptoms of carbon monoxide poisoning. Carbon monoxide is a silent poisoner and sometimes assassin.

#### **Independent inspection of our gas appliances**

Stephanie, however, did recognise these symptoms, and she recommended that I contact Howard Reed, an independent expert, to confirm her suspicions. Mr Reed inspected the property and immediately condemned the gas fireplace and the gas safety valve. (Mr Reed's inspection charge was roughly £500 which I understand is extremely reasonable – often the cost can be around £2,000 to £8,000.)

Legal proceedings between my landlord and me came to an end once I established my right to remain in the property. In response to this situation, my landlord agreed to pay me to surrender my rights in the property, and my family and I are now living in a well-maintained Edwardian house in the Oxford area. More importantly, our symptoms of carbon monoxide have thankfully disappeared.

#### **Why are there not more prosecutions?**

I cannot understand why the enforcement of gas safety laws is so slack. When Stephanie told me that there are only about 11 prosecutions of landlords for lack of a Gas Safety Certificate per year I was shocked.

In my experience, safety seems to be treated as an almost secondary consideration by the HSE. Landlords, it appears, are able to ignore what the law requires without fear of enforcement.

#### **Future compliance seems to erase previous crimes**

If a landlord is notified by the HSE that s/he is not in compliance with the requirement to have an annual gas safety inspection performed, all that is needed to avoid enforcement action is the provision of a current Gas Safety Certificate. In other words, a landlord might persistently ignore the

law for twenty years before being discovered, and then escape all penalties for noncompliance by having a single safety check performed before enforcement action is taken. A landlord would need to be really stupid or obstinate to be prosecuted in such circumstances.

The current HSE enforcement regime provides almost no deterrent to the conduct of landlords who choose to flout the requirement to make it reasonably certain that the properties they let are not carbon monoxide death traps.

When it comes to carbon monoxide poisoning, it seems to take a dead body to spur the HSE into action, and yet this is a criminal offence which should be prosecuted by the HSE. If these same landlords robbed a bank, they would be prosecuted even if they offered to return their ill-gotten gains. Why is the law seemingly more concerned with protecting banks than human life?

### **Gas Safety Checks do not have to include a CO test**

And why doesn't the annual Gas Safety Check require a mandatory test of the emissions from all gas appliances in a property for carbon monoxide safety? Carbon monoxide is not detectable by ordinary human senses, meaning that one can be exposed to this lethal poison without warning.

The cost of obtaining an expert to come and test the appliances is too high for many people, and that, in turn, means that the hurdles they face are almost insurmountable for an ordinary person to make a legitimate claim. Keep in mind, the people least able to afford these tests are the people most likely to live in unsafe properties.

Without CO-Gas Safety's help I wouldn't have known how to get hold of such a person. The service provided by the charity helped me protect my family from CO poisoning. It may have even saved our lives. Relying on luck is not, however, a reliable way to protect the public from silent killers like CO.

Why are matters of life and death treated so lightly by the authorities?

### **CO-Gas Safety Comments**

Thankfully the shortcomings of this landlord did not lead to any fatalities, as was the case for both Anne Brennan and Angela Pinkney (both sadly died from CO emitted by mains gas appliances in their rented homes; please see their case studies on our website or in our Press Pack 2020, which is also available online here: [www.co-gassafety.co.uk/information/press-pack-2020](http://www.co-gassafety.co.uk/information/press-pack-2020)).

At time of writing, CO alarms are still not required by law in rental properties unless they use solid fuel appliances, even though our statistics show far more of the fatalities we are aware of since 1995 in rented accommodation were the result of mains gas appliances\*.

Possibly even more concerning is that, although the under-enforced annual landlord Gas Safety Certificate has a box to include a carbon monoxide ppm (parts per million) figure for each appliance, there is no mandatory requirement for the engineer to actually test and record CO emission rates. CO-Gas Safety are still campaigning for this simple amendment to the legislation to be both introduced and enforced for all gas appliances, both mains and portable.



*Testing flue gas emissions is quick and efficient*

\*of 158 deaths in rented properties counted in our stats, we know 78 were mains gas, 44 were solid fuel and the remainder were portable gas or other fuels. Please see the Data section of our website for other analysis of the deaths we are aware of between September 1995 and August 2020 [www.co-gassafety.co.uk/information/co-gas-safety-statistics-of-deaths-and-injuries](http://www.co-gassafety.co.uk/information/co-gas-safety-statistics-of-deaths-and-injuries).