

SPSO decision report

Case: 201804948, East Dunbartonshire Council
Sector: Local Government
Subject: repairs and maintenance
Decision: some upheld, recommendations

Summary

Ms C complained to the council on behalf of her son (Mr A) about a council property he moved into.

Ms C complained that the council failed to carry out repairs to Mr A's property in line with their obligations and relevant policies and procedures. We agreed with the council that there may be snagging issues when someone moves into a new property. Therefore, we did not consider the fact there were repair issues after Mr A moved into the property to be unreasonable. However, we found some of the timescales and communication around repairs to be unreasonable. Furthermore, we did not consider the council always gave sufficient consideration to Mr A's personal circumstances, particularly when scheduling repairs and providing notification of visits. Therefore, we upheld this aspect of the complaint.

Ms C also complained that the council failed to carry out reasonable adaptations to Mr A's garden in line with their obligations and previous assurances provided to him. We noted the council's policies and guidance, which indicated that only basic work will generally be carried out in respect of garden areas before a new tenant moves in. Furthermore, we did not consider there to be evidence to suggest the council failed to carry out specific work or adaptations previously committed to. We agreed with Ms C that evidence she provided shows the garden was in a poor condition and not clear of rubbish when Mr A initially moved in, although this was addressed by the council later. We provided feedback to the council about this. However, we did not consider this to mean that the council failed to carry out reasonable adaptations to the garden. Therefore, we did not uphold this aspect of the complaint.

Finally, Ms C complained that the council let the property to Mr A when it was not in a safe or reasonably suitable condition for him to move in. Ms C highlighted the number of repairs that were carried out after Mr A moved into the property and the fact that the windows in the property were replaced shortly after he moved in to bring them up to Scottish Housing Quality Standard. We considered the council's position, that the fact Mr A's windows were replaced as part of a scheduled programme of works, did not mean they were unsafe to be reasonable. In respect of the repairs required, we did not consider that the council failed to carry out appropriate pre-tenancy checks. We had some concerns about the accuracy of the information contained in the council's pre-tenancy paperwork. However, overall, we did not consider the evidence to indicate that the council let the property to Mr A when it was not in a safe or reasonably suitable condition for him to move in. Therefore, on balance, we did not uphold this aspect of the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr A for failing to carry out repairs to his property in line with their obligations and relevant policies and procedures. The apology should meet the standards set out in the SPSO guidelines on apology available at [HYPERLINK "http://www.spsso.org.uk/information-leaflets"](http://www.spsso.org.uk/information-leaflets)
www.spsso.org.uk/information-leaflets .

- Make contact with Mr A or his representative and offer to discuss the best way to arrange repairs or visits in the future.

What we said should change to put things right in future:

- The council should carry out and co-ordinate repairs within a reasonable timescale and give appropriate consideration to a tenant's health issues when doing so.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.