

Scottish Parliament Region: Central Scotland

Case 200501429: Paragon Housing Association Ltd

Summary of Investigation

Category

Housing Association

Overview

The complainant (Mr C) has raised a variety of complaints with this office regarding his tenancy and the handling of his complaint by Paragon Housing Association (the Association). The three main points of Mr C's complaint have been investigated.

Specific complaints and conclusions

The complaints which have been investigated are:

- (a) failure of the Association to identify that a load-bearing wall was missing (*not upheld*);
- (b) the manner in which the load-bearing wall was rebuilt (*not upheld*); and
- (c) handling and responding to complaint (*not upheld*).

Redress and recommendation

The Ombudsman has no recommendations.

Main Investigation Report

Introduction

1. The complainant shall be referred to as Mr C. A complaint was lodged by Mr C to this office on 24 January 2006 against Paragon Housing Association (the Association). The complainant raised a number of issues, however, through reviewing the evidence and corresponding with Mr C and the Association, I was able to identify three specific points of complaint which were investigated.

2. Mr C's complaint had exhausted the Association's complaints procedure and was, therefore, eligible to be investigated by the Ombudsman.

3. The complaints from Mr C which I have investigated are:

- (a) failure of the Association to identify that a load-bearing wall was missing;
- (b) the manner in which the load-bearing wall was rebuilt; and
- (c) handling and responding to complaint.

4. In the process of my investigation, Mr C raised 40 issues as possible points of complaint for investigation. By corresponding with Mr C and the Association, I identified a number of duplicate points of complaint and an extensive number of points of complaint that had been agreed as resolved by both parties. The three points of investigation in this report are the remaining points of complaint that are suitable for investigation.

Investigation

5. In conducting my investigation, I obtained detailed information from both Mr C and the Association relating to the complaint. This included copies of the correspondence between Mr C and the Association regarding Mr C's numerous complaints.

6. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mr C and the Board were given an opportunity to comment on a draft of this report.

(a) Failure of the Association to identify that a load-bearing wall was missing

7. Mr C started his tenancy with the Association in May 2005. Prior to agreeing to accept the tenancy, he was shown the property by a staff member of the Association. Once Mr C had agreed to accept the tenancy, the Association carried out a standard check of the property in an attempt to identify any issues that required immediate attention prior to commencement of the tenancy. The Association's standard pre-tenancy inspection does not include confirming the presence or condition of load-bearing walls. Shortly after Mr C moved into the property, he raised a number of concerns with the Association regarding problems with the house.

8. One such problem was that a load-bearing wall was apparently missing. Upon receipt of this concern and after the subsequent investigation, the Association identified that the previous tenant had removed the load-bearing wall, without the landlord's knowledge or permission, and erected a poorly constructed partial replacement.

(a) Conclusion

9. I am satisfied the Association have acted reasonably in their inspections of the property. The previous tenant had removed and partially reconstructed the wall without notifying the landlord. The normal pre-let inspection would not have been expected to identify the absence of a load-bearing wall. As a result, I do not uphold Mr C's complaint that the Association failed in its duty or responsibility.

(b) The manner in which the load-bearing wall was rebuilt

10. Once it had been identified that the load-bearing wall had been removed, the Association took appropriate action in having a new load-bearing wall installed. The wall was supported on one side while being rebuilt. Mr C was of the opinion that this method did not comply with health and safety legislation. The Association's structural engineer assessed the arrangements for rebuilding the wall and was satisfied that the methods being employed in building the wall were adequate. It is not for the Ombudsman to challenge the decision of the engineer as the appropriate action for reviewing the arrangements regarding the construction of the wall was taken.

(b) Conclusion

11. This aspect of Mr C's complaint is essentially his personal assessment of the method used in rebuilding the wall, which is in contrast to the structural engineer's professional opinion of the measures in place for rebuilding the wall. Taking into account the points raised in paragraph 10, I do not uphold this aspect of complaint.

(c) Handling and responding to complaint

12. Mr C complained that the Association did not respond to his complaint appropriately. The Association responded to this point on a number of occasions. Their position was best outlined in the letter to Mr C dated 14 November 2005 and reads as follows:

'You (Mr C) submitted an undated letter to the Association which was received on 25 July 2005. While this letter raised a number of issues, it did not state that it was a formal complaint nor was it submitted on a formal complaints form.

In accordance with our policy, this was treated as an informal complaint and dealt with mainly by staff in our Property Services team. You submitted a second letter dated 12 September 2005 to the Association which was received on 14 September 2005. You stated that it was a Stage 2 Appeal when, in our opinion, the letter constituted a formal Stage 1 complaint.

You note that the full response was not provided until 6 October 2005. We accept that while this may have been outwith the target timescale for reply there was contact with you during the process, including a visit to your home by a senior member of our staff.'

13. Furthermore, the Association provided Mr C with a time and trouble payment for the inconveniences he experienced and an apology for where service had fallen below a good standard. Additionally, Mr C was offered an ex gratia payment of £75 which he did not indicate an acceptance of. This is entirely reasonable and appropriate action from the Association.

(c) Conclusion

14. Having reviewed all the relevant evidence available to me, I am satisfied that the Association have taken all reasonable action in handling and responding to

Mr C's complaint, including offering Mr C a goodwill payment which he has accepted. I, therefore, do not uphold this aspect of complaint.

28 November 2006

Explanation of abbreviations used

Mr C

The complainant

The Association

Paragon Housing Association