

Case 200601025: The City of Edinburgh Council

Summary of Investigation

Category

Local government: Repairs and maintenance of housing stock

Overview

The complaint concerned the City of Edinburgh Council (the Council)'s decision to refuse a claim for compensation for damage to a kitchen which had resulted from a leak in an upstairs neighbouring flat.

Specific complaint and conclusion

The complaint which has been investigated is that the Council's handling of a claim for compensation was flawed when work at a neighbouring flat was allegedly not carried out properly (*upheld*).

Redress and recommendation

The Ombudsman is satisfied that the Council's offer of an apology reinforced by a payment of £50 provided a suitable remedy to the complaint. She asks the Council to notify her when this action is implemented. Also, that they look into, and address, the reasons for the delay to ensure that these circumstances are not repeated.

The Council have accepted the Ombudsman's recommendations and will act on them accordingly.

Main Investigation Report

Introduction

1. On 3 July 2006 Ms C made a complaint to the Ombudsman in connection with the Council's decision to refuse her claim for compensation for damage to her kitchen resulting from a leak at her upstairs neighbour's home. Her neighbour is a Council tenant and she told Ms C that when an emergency plumber called to attend to the problem on 28 December 2005, he damaged a pipe which required a further plumber to be called out on 16 January 2006. Work was completed later, but, Ms C said, that for about a month her kitchen suffered from water penetration. Ms C considered the Council's refusal to cover the costs of necessary repairs to her home to be unreasonable.

2. The complaint which has been investigated is that the Council's handling of a claim for compensation was flawed when work at a neighbouring flat was allegedly not carried out properly.

Investigation

3. As part of this investigation I have had sight of the relevant correspondence between Ms C and the Council. I have also seen the appropriate record of repairs reported, and completed, at Ms C's neighbour's house. On 26 October 2006, a written enquiry was made of the Council.

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

5. The Council provided their response on 4 December 2006 and from the repair record attached it appeared that the leaking pipe first caused flooding on 28 December 2005. This affected Ms C's property. A plumber attended and put a temporary fix on the pipe in question to stop the leak. Follow-on work was required to provide a permanent solution to the leak but, further work was unable to be carried out before water penetration was again reported at Ms C's house on 16 January 2006. The source of the dampness was located on 24 January 2006 and remedial work was completed that day.

The Council's response also said that, 'Due to the length of time that it has taken to resolve this case and the inconvenience caused to [Ms C], the Director intends offering compensation of £50 to cover the cost of any redecoration work required. He will also be writing to [Ms C] to apologise for the lengthy delay and inconvenience caused in reaching an appropriate settlement for this matter'.

Conclusion

6. After reviewing the evidence, I uphold Ms C's complaint but I am satisfied that the Council's offer to apologise and pay Ms C compensation of £50 represents reasonable redress, particularly as the Council's offer meets the amount Ms C thought would be necessary to put her kitchen back into good order. Ms C has since advised me that the cheque has been paid.

7. The Ombudsman asks that they look into, and address, the reasons for the delay to ensure that these circumstances are not repeated.

27 February 2007

Explanation of abbreviations used

Ms C

The complainant

The Council

The City of Edinburgh Council