

**Case 200601258: The City of Edinburgh Council**

**Summary of Investigation**

***Category***

Local government: Letting and repairs

***Overview***

The complainant raised a number of issues regarding his tenancy of a City of Edinburgh Council (the Council) house and also repairs that were carried out to the house.

***Specific complaints and conclusions***

The complaints which have been investigated are that:

- (a) the Council did not follow procedure when letting the house (*not upheld*);  
and
- (b) the Council did not carry out necessary repairs efficiently (*not upheld*).

***Redress and recommendations***

The Ombudsman has no recommendations to make.

## **Main Investigation Report**

### **Introduction**

1. The complainant shall be referred to as Mr C and The City of Edinburgh Council shall be referred to as the Council. Mr C claimed that the Council let a house to him which was unfit to be let due to the condition of the house. Mr C also complained that necessary repairs were not carried out efficiently. Mr C brought his complaint to this office on 31 July 2006 claiming that he was experiencing stress as a result of the Council's alleged failures.

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

- (a) the Council did not follow procedure when letting the house; and
- (b) the Council did not carry out necessary repairs efficiently.

### **Investigation**

3. In conducting my investigation I obtained detailed evidence from the Council including a list of repairs that were identified at the property, complaints correspondence, a structural report on the property, the Council's Repairs Policy and also details of telephone calls between the Council and Mr C. I also had several long telephone calls with Mr C. My investigation, based on this information, has allowed me to reach firm conclusions on both heads of complaint.

4. 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 Council were given an opportunity to comment on a draft of this report.

#### **(a) The Council did not follow procedure when letting the house**

5. Mr C claimed that the house which was let to him should not have been let in the condition it was in. Mr C claimed that there were a number of problems with the house which should have, in his opinion, prevented the Council letting the house, the main problem being a large crack in the exterior wall of the property.

6. The Council's procedure for letting a house requires that the property is inspected by Council staff, most commonly a housing officer, to ascertain whether or not the house is in what the Council consider a habitable condition. Prior to accepting a tenancy, the prospective tenant is allowed to inspect the home and decide whether or not to take up the tenancy. These inspections

allow the housing staff and tenant to raise any concern regarding the house. It is important to note that such inspections do not include technical assessments, such as structural integrity assessments as this requires specialised professional knowledge.

7. The evidence shows that, in line with the Council's normal procedure, Mr C's property was inspected prior to letting. Mr C was present at that inspection. As well as giving the Council an opportunity to assess the condition of the house, the inspection also provided Mr C with an opportunity to point out any issues he believed required attention. The evidence shows that a variety of jobs were raised by the Council following their pre-let inspection as follows:

- Checks carried out on electrical and gas appliances.
- Repairs carried out to the kitchen.
- New locks installed and doors replaced.
- Water supplies checked.
- Relaying of floor coverings.

Evidence also shows that, as a direct result of the pre-let inspection, the Council instructed a further assessment of, and repair work to, the crack in the exterior wall.

*(a) Conclusion*

8. The evidence shows that prior to letting the house, the Council took adequate action in inspecting the house and carrying out repairs in accordance with the Repairs Policy. I am aware that Mr C holds very strong views regarding the condition the house was in when let, however, the Council's actions in this regard were in line with normal procedure and Mr C also had the benefit of a pre-let inspection to decide whether or not to take up the tenancy.

9. I fully appreciate that Mr C strongly believes the house he is currently living in was not satisfactory when he moved in. However, the evidence on file shows that the Council carried out their normal pre-let inspection, instructed necessary works, including a more detailed assessment of the exterior crack, and assessed that the house was tenantable and habitable. Consequently, Mr C was offered the property and he chose to accept it. In all the circumstances, I do not uphold this aspect of Mr C's complaint.

**(b) The Council did not carry out necessary repairs efficiently**

10. A significant proportion of Mr C's complaint relates to the existence of a

large external crack in the exterior wall of the building which he raised with the Council at the time of the pre-let inspection. After taking up the tenancy, Mr C complained that the crack in the wall led to water ingress and damp forming in the interior of the house.

11. The Council, as landlord, have the discretion to decide what, if any, works including repairs, are required prior to letting a property. The evidence supplied to me by the Council highlights when repairs were raised and completed. I have assessed these dates against the Council's Repairs Policy which contains the 'targets for completion' matrix detailing how long each type of common repair should take to initiate from when the work is reported.

12. I have reviewed the evidence to determine whether or not the Council's action in carrying out repairs is in line with the Repairs Policy. The evidence demonstrates that a number of different types of repairs were carried out, which varied in priority from minor repairs such as replacing a washing pole to more extensive repairs, such as the partial rebuilding and harling of the external wall.

13. Evidence shows that shortly after the pre-let inspection the Council commissioned a structural engineer to produce a report regarding the crack in the external wall of the property. It was approximately two months from the pre-let inspection to when the Council received the external consultant's report regarding the crack in the external wall. The Council also carried out temporary repairs, such as covering the cracks with plastic sheeting, to try to prevent further damage.

14. The findings and recommendations of the structural engineer's report were that:

- The wall should be extensively remedied, but not immediately, to obviate any future interior deterioration, to avoid further water ingress, to restore the integrity of the brickwork and to restore the appearance of the property.
- Further roughcast should be removed and a section of brickwork unbuilt/rebuilt before being re-roughcast.
- Such action would facilitate an inspection of the cavity and provide further information as to the cause of the movement.
- Specific proposals should be drawn up and implemented as soon as practical, in discussion with the structural engineer.
- The proposals would require further discussion between the Council and

the structural engineer before the remedial action was finally defined.

15. The evidence shows that the Council sought appropriate advice regarding the condition of the external wall, considered the advice and took necessary action. The evidence also shows that temporary repairs were carried out on the wall and also a variety of other repairs were completed.

*(b) Conclusion*

16. I am satisfied, based on the evidence available, that the Council's actions in carrying out repairs to the property were adequate. The Council deemed that the house was habitable and Mr C accepted the tenancy after viewing the property. Furthermore, the Council's actions in identifying and completing repairs were in line with the Repairs Policy. As a result, I do not uphold this point of complaint.

22 August 2007

**Explanation of abbreviations used**

Mr C

The complainant

The Council

The City of Edinburgh Council

**List of legislation and policies considered**

The City of Edinburgh Council's Repairs Policy