

SPSO decision report

Case: 201004317, West Lothian Council
Sector: local government
Subject: housing; improvements by tenants
Outcome: not upheld, no recommendations

Summary

Mr and Mrs C complained that the council failed to compensate them for the costs involved in installing a new central heating boiler in their council-owned property. Mr and Mrs C installed their own central heating boiler in 2009 when they took over the property, as they were concerned at what the running costs would be for an old style boiler which they thought should have been replaced.

The council housing manager wrote to Mr and Mrs C to explain that they would not be renewing the boiler as the existing one was in working order and fit for purpose. They said that Mr and Mrs C had been told they could renew the boiler themselves but would need permission to do so from the Council. Mr and Mrs C went ahead and installed the boiler. Initially they did so without asking the council if they could, but permission was granted after the work had been done. At that time, Mr and Mrs C also asked for a discretionary payment towards the cost of the boiler, but the council refused this.

The tenancy agreement says that tenants must get written permission to add new fixtures such as central heating before beginning any work. Permission may be granted with conditions, including conditions regarding the standard of work. It also says that if tenants have made alterations or improvements without permission they may be entitled to compensation at the end of their tenancy.

Taking all that into consideration, we decided that as Mr and Mrs C signed this agreement when they took up the tenancy, the council acted correctly in following the conditions as set out in the agreement. The Tenant Handbook outlines where and when compensation may be payable for improving a home. This says compensation may be paid on ending a tenancy, so we found that the Council acted correctly in advising Mr and Mrs C that pro-rata compensation would be considered, but only when Mr and Mrs C leave the tenancy.