

Case: 201100459, The City of Edinburgh Council
Sector: local government
Subject: building standards
Outcome: not upheld, no recommendations

Summary

Mr C purchased his new home in August 2009. The building is roofed with a proprietary roofing system rather than slates or tiles. Mr C was alarmed in January 2010 when he noted that the roof tended to shed accumulations of snow. Because he felt this was dangerous, he brought it to the developer's attention. The developer, however, did not consider this to be a problem.

The developer applied for a certificate of completion and the council issued a Notice of Acceptance of Completion Certificate under Section 18 of the Building (Scotland) Act 2003. Mr C was still very unhappy and, in addition to contacting other interested parties, such as the architects for the project and National House Building Council, he engaged in detailed technical correspondence with the council on whether a building warrant should have been granted and verified. He also wanted to know whether the council should regard the building as unsafe and so take action. Dissatisfied with their response, he complained to us.

Our investigation did not uphold Mr C's complaints that the council erroneously granted building regulations approval, acted improperly in defending the verification of the building warrant, or failed to act when Mr C alleged that the building was dangerous. This is because we found that they properly considered the issues he raised and responded accordingly. Mr C strongly disagrees with their position but that does not mean that the council acted wrongly. They have discretion to make such decisions and we cannot question this in the absence of any administrative or service failure on their part.