

## SPSO decision report

**Case:** 201103835, Fife Council  
**Sector:** local government  
**Subject:** repairs and maintenance of housing stock (incl dampness and infestations)  
**Outcome:** some upheld, recommendations

### Summary

Mr and Mrs C live in a ground floor four-in-a-block flat and are the sole council tenants in the block. The flat directly upstairs has a private tenant. Mr and Mrs C complained about unreasonable delay by the council in repairing the roof and rhones, which they felt resulted in dampness in their flat; the council's failure to deal with problems of antisocial behaviour from the upstairs tenant, and the council's failure to take action in relation to five incidents of flooding from the upstairs property.

We upheld one of the three complaints, as our investigation found that there was an unreasonable delay of eleven months between the council obtaining a quote for the roof and rhone repairs and the repairs being done. This was initially because they sent a copy of the quote to the occupant rather than the owner of the upstairs flat and did not follow up the lack of a reply. We made recommendations to address these failings. We did not uphold the complaint about antisocial behaviour because Mrs C had not provided the necessary information to take the matter forward and there was no corroboration from others. The council had no record of three of the five incidents of flooding, and had taken action on one some three years earlier. The fifth incident had only occurred on the eve of Mr and Mrs C's final stage complaint to the council.

### Recommendations

We recommended that the council:

- explain to Mr and Mrs C what the installation of a chemical damp proof course and kitchen upgrading would entail and, if that work would be unduly disruptive to Mrs C because of her medical condition, make appropriate arrangements for short term temporary accommodation; and
- investigate any request that Mr and Mrs C make about repairs to the fabric of their flat as a result of the internal flooding incident on a date in March and take the remedial action necessary.