

SPSO decision report

Case: 201100550, West Lothian Council
Sector: local government
Subject: Finance: tenancy charges
Outcome: some upheld, recommendations

Summary

Ms C was a council tenant from 2003 until 2010. Before she vacated the property, a housing officer carried out an inspection. Their written report noted there was writing on the walls in the bedrooms and poor décor in the stairway, but did not note any repairs to be carried out, or if any such repairs were to be the responsibility of the tenant or the council. The report was signed by the housing officer but not by Ms C.

After Ms C moved out, the council undertook a vacant house inspection which noted a number of repairs and cleaning jobs to be carried out. Ms C was initially charged around £1,700 for these, although the invoice was later reduced to just over £1,200. Ms C complained she had not been notified prior to leaving the property that there was repair work to be carried out and, therefore, had not had the opportunity to undertake the work prior to the council doing so. The council said that Ms C had been aware of her obligations as tenant through her tenancy agreement, and the 'Vacating Your Tenancy' booklet that was given to her at the inspection. We, however, upheld this complaint given that Ms C had not signed the report, and that none of the repairs or cleaning subsequently charged had been noted on the report. We found that she had not had sufficient notification of or opportunity to undertake the repairs.

We did not uphold Ms C's second complaint that the council had not undertaken work she had requested during her tenancy. There was no evidence available to show that Ms C had made such requests. We also found it reasonable that the council chose to undertake repairs prior to a new tenant moving in, in order to bring the property up to a reasonable standard for re-let.

We upheld Ms C's final complaint that the council failed to provide details about the two invoices issued. We found the information provided to be unclear and, on two occasions, erroneous. The council provided further information to us

about what the remaining charges were for, and we relayed this information to Ms C.

Recommendations

We recommended that the council:

- provide a full apology to Ms C for charging the works to her without properly advising her of the repairs and cleaning to be undertaken at the property; and
- consider waiving the remaining outstanding charges for the work subsequently undertaken at the property.