

## SPSO decision report

**Case:** 201201551, Argyll Community Housing Association  
**Sector:** housing associations  
**Subject:** repairs and maintenance of housing stock (incl dampness and infestations)  
**Outcome:** not upheld, no recommendations

### Summary

Ms C said that she moved into her property in 2007 and early in 2008 reported a water mark on the ceiling in the hall and was told it was from an old leak. Despite reporting every so often that the mark was getting bigger, no action was taken until she reported the matter again in June 2011. An inspection found that there were cracks in her neighbour's chimney, which was determined to be the likely cause of the damp patch. The chimney was eventually taken down in November 2011. The association's insurers refused to pay Mrs C's redecoration costs as they said there was no evidence that she had told the association about the problem before 2011.

We found no evidence to support Ms C's claim that between 2008 and June 2011 she had reported the mark on the ceiling getting bigger. Because the chimney was communal, and the other owner shared the responsibility of the cost of any work, the association were required to seek the owner's agreement to the repairs. We also noted that the owner initially agreed to arrange for a repair to the chimney, but because they did not do so, the association eventually had to appoint a contractor to demolish the chimney and reinstate the roof.

We were satisfied that the association responded within a reasonable time when Ms C reported the matter. We did not consider the delay to be excessive, taking into consideration that the owner had initially agreed to take the lead on arranging the repair.