

## SPSO decision report

**Case:** 201202296, The City of Edinburgh Council  
**Sector:** local government  
**Subject:** repairs and maintenance of housing stock (incl dampness and infestations)  
**Outcome:** not upheld, no recommendations

### Summary

Mr C complained about the council's handling of a repair to a communal drain. He complained that the council had failed to treat it as a Right to Repair issue and should have compensated him £100 for not dealing with the repair quickly enough; had delayed in undertaking the repair; and in cleaning up the affected area; had failed to arrange for further work to the concrete slabs surrounding the sewer in the communal area; and that there was delay and inaccuracy by the council in responding to his complaints.

We did not uphold Mr C's complaints. Our investigation established that this type of repair was not covered in the prescribed list of repairs to tenanted property under the Right to Repair scheme, as set out in the Housing (Scotland) Act 2001. We also found that the repair to unblock the drain was completed within the terms of the council's repairs policy; and as there is no specific timescale for cleaning repairs, and this was attended to within a short period of time, we did not find that there was delay in cleaning up the area.

The council told us that they had not been aware of Mr C's concerns about the condition of the concrete slabs before we contacted them about this, and it was later confirmed that this had been attended to. We also found that the council had responded to the complaint within the required timescales and, while there was a regrettable minor inaccuracy in the council's response to Mr C about the time and date for completion of the repair, it did not amount to a significant or material failure.