

SPSO decision report

Case: 201202359, The Highland Council
Sector: local government
Subject: building warrants: certificates of completion/habitation
Outcome: upheld, recommendations

Summary

Mrs C viewed a newly built rural property and, after the vendor (who was also the builder) presented a certificate of completion and a home report, Mrs C bought the house. On entry, she found numerous defects. Her solicitors and, later, two Members of the Scottish Parliament got in touch with the council about these on her behalf. Mrs C then decided to sell the property for much less than she had paid. A financial claim was made to the council on her behalf, but their loss adjusters refused it.

Mrs C complained to us that the council inappropriately failed to follow relevant legislation and procedures when they issued the certificate of completion. The council accepted, with qualification, that the officer responsible for inspecting the building and issuing the certificate had been at fault in doing so. Specifically, two matters were overlooked when the building standards officer carried out an inspection in January 2010, when there was a significant amount of snow lying on the ground. The council had apologised to Mrs C for this, but said that the vast majority of the defects about which she was unhappy related to the quality of the workmanship, which is not relevant to the issuing of a completion certificate. We noted this, but as the council had admitted errors, we upheld Mrs C's complaint, and made a recommendation.

Recommendations

We recommended that the council:

- review the adequacy of their current procedures for carrying out the external elements of inspections in winter months.