

## SPSO decision report

**Case:** 201300521, East Renfrewshire Council  
**Sector:** local government  
**Subject:** building standards  
**Outcome:** not upheld, no recommendations

### Summary

Mr C purchased a property, which proved to have significant structural problems in an extension completed by the previous owner. Mr C made a number of complaints about the completion certificate process, and said that the council had failed to ensure that the local authority building surveyor who verified the certificate had carried out his role properly. He was also unhappy with the council's complaints handling.

Mr C said that the building warrant for the property had expired, and no extension had been sought before the certificate of completion was granted. He believed that this meant that the building regulations in force at the time of the inspection should have applied to the property. He said that this would have required a different type of electrical certificate to that presented to the surveyor, and would have resulted in significant problems with the electrics being identified. Mr C thought that the council would not then have approved the completion certificate, and he would not have purchased the property.

Our investigation found that the local authority did not have responsibility to carry out anything more than a non-disruptive survey, and that responsibility for ensuring that work on the property matched that described on the building warrant lay with the individual submitting the completion certificate. We also found that the grounds for refusing an extension to a building warrant only apply where little or no construction has taken place. In this case the building was completed within the timeframe of the warrant and the completion certificate applied for, so there would have been no grounds for refusal.

We also found that the extent of a non-disruptive survey was a matter of professional judgement for the building surveyor. Although Mr C disputed the professionalism of his work, this was not a matter that we could consider. We also found that the surveyor was only required to carry out a 'reasonable enquiry' with regard to specialist matters such as electrical certification.

On the complaints handling, although we found that the council's first response to Mr C lacked empathy, given the difficult and distressing situation in which he found himself, their overall handling of his complaint was reasonable.