

SPSO decision report

Case: 201303169, Aberdeenshire Council

Sector: local government

Subject: terminations of tenancy

Outcome: some upheld, recommendations

Summary

Ms C gave up her council tenancy in August 2012. Before she left, the council's clerk of works visited and pointed out damage to several doors which he said would need replacing. He advised it would be cheaper for her to arrange the work herself, which she did. After she left the property, she was told the work was not up to standard and was issued with a bill for the work. She queried this but got no reply. The bill was issued again, some seven or eight months later. She contacted the council again and then complained that she had been charged for these items and about the delay in contacting her about the bill.

At the initial inspection of the property, Ms C had signed a declaration that she would repair the items identified, that the list was not exhaustive (ie that further repairs might be identified at the change of tenancy inspection) and that failure to undertake the repairs would result in the council carrying them out and billing her (this is known as recharging). The change of tenancy inspection that took place after she left the property identified a number of repairs, including to the work that Ms C had arranged and paid to have done. The council said that the work was not an acceptable standard and had required repair/replacement. They provided us with photographic evidence in support of this. They wrote to Ms C after the inspection setting out the rechargeable repairs, but it appeared that Ms C did not respond to this.

It is not for us to question the council's decision about whether the work was done to an acceptable standard. That is a decision that they were entitled to take and we found no evidence of administrative error in the way they reached it. Ms C had signed the declaration and the council had written to her after the final inspection with a list of rechargeable repairs, which Ms C did not appear to have questioned at that time. We did not uphold this aspect of her complaint but we did make a recommendation, as we considered that the council could have made it clearer that if the work was not done to a standard they considered acceptable, they would then carry it out and issue an account for the cost. We upheld her complaint about the delay in contacting her because, in the absence of an explanation, the delay was unreasonable. However, as the council had already apologised for the distress caused, acknowledged that they could have provided her with better support and advice and reduced the bill, we decided that no further recommendations were required.

Recommendations

We recommended that the council:

- consider altering the pre-termination inspection paperwork to make it clearer to tenants that failure to have the work done to a standard acceptable to the council would result in the council carrying out the work and issuing an account for the cost.