

SPSO decision report

Case: 201306203, The City of Edinburgh Council
Sector: local government
Subject: statutory notices
Outcome: not upheld, no recommendations

Summary

Mr C owns a flat, which he rents out. In 2009, the council served two statutory notices for repairs to the roof, slates, stonework, a chimney stack and the gutter and to clear rhones and downpipes. This was completed by August 2010, but an emergency statutory notice was served during the defect liability period (the period allowed after completion of repairs for any defects to be identified) to clear choked drains. Leaks to the gutters/pipes needed attention at the end of this time, and work was completed by a different contractor. Mr C then complained to us that the council had refused to accept that internal damage in his property was due to the statutory notice works being defective.

Our investigation found that although work had been undertaken after the contract was completed, there was no evidence to substantiate Mr C's claim that the damage was a result of the contractor not carrying out the repairs properly. The council explained that the problem of water ingress, which Mr C said had caused the internal damage in his flat, had been happening for a long time due to a water-damaged wall, and it appeared from the evidence that drains becoming blocked was a regular occurrence.