

SPSO decision report

Case: 201400141, Berwickshire Housing Association Ltd
Sector: housing associations
Subject: policy/administration
Outcome: not upheld, no recommendations

Summary

Mr C complained that the housing association forced entry to his flat, although he had contacted them before he left to tell them he would be away. He said they then unfairly charged him for replacing the locks and for draining the central heating system.

The association said that Mr C had not arranged for the water systems to be drained down, although they had asked him to do this when he first told them of his plans about a month before. He had called the association several times in the week before he left. However, they were able to provide recordings of most of these conversations, which showed that Mr C's son called about repairs to the stove handle, and not to arrange the draining down. As Mr C's first language was not English, we asked whether his tenancy agreement had been provided or explained in his own language. The association said it was not, but gave us a copy of a questionnaire that Mr C had completed, in which he had indicated that he was happy to receive information in English.

Our investigation found that, under the tenancy agreement, it was Mr C's responsibility to arrange for the water systems to be drained down, and there was no evidence that he had done this. We also found that the association were entitled to charge him for the drain down. They had initially offered to do this free of charge (as was their practice, although there was no policy or formal requirement for them to do so) but had decided to charge Mr C as they had to force entry to his house. We considered it was reasonable for them to charge in this case, given that Mr C had failed to arrange the work as required.