

SPSO decision report

Case: 201403864, The City of Edinburgh Council
Sector: local government
Subject: housing statutory repair notices, HAA areas and demolition orders
Outcome: upheld, recommendations

Summary

Mr C complained that the council had unreasonably charged him for work carried out that was not in the statutory notice (where the council arrange for work to be done and then recoup the cost from the property owners) that they had issued to him and his neighbours. The statutory notice referred to the repair of defective stair treads. However, the contractors appointed by the council to carry out the works resurfaced the whole stairwell and landing. The council then billed Mr C and his neighbours for this. Mr C had raised this with the council when the contractors arrived to carry out the work, but the council failed to respond to him at that time.

We found that the council should have informed property owners of the additional flooring work exceeding the work referred to in the statutory notice. We said that the council should only charge Mr C for the work carried out under the statutory notice, particularly as he had raised the matter with the council on the day that the contractors arrived, but had not received a response. We upheld this aspect of Mr C's complaint.

Mr C also complained about the council's handling of his complaints. There had initially been significant delays by the council in responding to Mr C's complaint. The council had then carried out a review, but this only considered Mr C's complaint about the quality of the work by the contractors. The council failed to consider Mr C's complaint about the additional work that was carried out that was not in the statutory notice. In view of this, we also upheld this aspect of Mr C's complaint.

Recommendations

We recommended that the council:

- amend Mr C's outstanding bill so that he is only charged for the cost of repairing twelve defective stair treads, rather than the resurfacing of the landings and the whole stairwell;
- issue a written apology to him for the failure to adequately deal with his complaints; and
- make the staff involved in the handling of his complaint aware of our decision on the matter.