

SPSO decision report

Case: 201407697, Argyll Community Housing Association
Sector: housing associations
Subject: repairs and maintenance
Outcome: upheld, recommendations

Summary

Ms C complained about dampness issues on behalf of her client (Ms A). Ms A had downsized from a larger housing association property and signed a new tenancy agreement for a smaller home. She pointed out issues with dampness within the property and the association agreed to carry out works. Ms A had not yet given up the tenancy on her original home and continued to live there while work was undertaken. The association charged Ms A for rent for the new property whilst the works were being carried out. Ms C complained that the association had not ensured that the property was in a reasonable condition for Ms A to move into and that they had unreasonably charged her rent when repairs were being carried out.

We found that there had been issues with water ingress previously at the property, which work had been done on, and that the association had expected areas of damp to dry out once the house was occupied. However, this was not noted on the inspection report and we considered that there was a lack of evidence that the association had taken areas of damp in the hallway and living room into account when determining whether the property was in a habitable condition. We upheld Ms C's complaint about this.

We also upheld Ms C's complaint about rent charges. We found evidence that the association had advised Ms C's office that Ms A would not be charged rent for the property until it was ready for occupancy. We made a number of recommendations to the association.

Recommendations

We recommended that the association:

- remove any rent charges for the property covering the period from when Ms A signed the tenancy agreement to when the association notified her that she could collect the keys for the property;
- consider having an independent professional assessment of any dampness at the property; and
- consider whether a further reduction in rent would be appropriate on the basis of any ongoing dampness at the property.