

SPSO decision report

Case: 201607212, North Ayrshire Council
Sector: local government
Subject: repairs and maintenance
Outcome: some upheld, recommendations

Summary

Miss C was unhappy with the condition of a property she moved into. She said the property was not clean and smelled of urine, with stains on the floors and doorways. Miss C said that it took the council too long to carry out repairs that were needed, and that the council did not respond to all the issues she raised in her complaint.

The council's letting standard is that properties should be clean and free of offensive smells. It was clear from the void inspection report that the property was in a poor state of cleanliness. However, we found evidence that some cleaning was carried out, as the property was being cleaned when Miss C viewed it. We took into account that Miss C viewed the property and that neither Miss C, nor the council officer present at the viewing, noticed or reported any offensive smell at this time. Overall the evidence showed that the council had taken the kind of steps we would expect to check that the property was in a lettable condition by arranging for it to be cleaned and repaired. We did not uphold this aspect of Miss C's complaint.

We found that when Miss C reported emergency repairs they were dealt with in a timely way, according to the council's policy. We found a flea infestation was treated within a reasonable timescale. Although the council's policy was not prescriptive in terms of how long repairs categorised as non-emergency should take, we found that the time taken to complete joinery works to replace sections of stained flooring was not excessive. The council acknowledged the disruption to Miss C in responding to her complaint.

We found it took too long for the council to repair a path and steps and to replace a handrail. We asked the council to check whether this repair should have been carried out according to the right to repair legislation. There was also evidence that other small non-emergency repairs logged following an inspection visit were not progressed with reasonable efficiency and that relatively straightforward issues were not resolved within a reasonable timescale.

Miss C's letter of complaint raised a number of different issues linked to her move to the property. The council's response addressed the main issues raised within the relevant timescale. Miss C's complaint was partially upheld by the council. They said they were sorry that the condition of the property was not as Miss C had expected, and they acknowledged that her move had been more stressful than anticipated. The council apologised for the inconvenience and upheaval caused.

Overall we considered the content of the council's response to Miss C's complaint to be reasonable. However we noted that the council's response did not address all of the issues Miss C raised. We upheld this aspect of Miss C's complaint.

Recommendations

We recommended that the council:

- review the evidence in respect of the repair to the stairs, path and handrail and consider whether this

repair should have been dealt with under the right to repair rules. The council should assess, if appropriate, whether any payment is due to Miss C under the right to repair rules. The council should also write to Miss C to confirm the outcome of the review, and send a copy to us.