

SPSO decision report

Case: 201607274, The City of Edinburgh Council
Sector: local government
Subject: terminations of tenancy
Decision: not upheld, no recommendations

Summary

Mr C made a complaint about the manner in which his deceased brother's property was cleared from his home. Mr C was unhappy that an environmental clean had been conducted, meaning that many items were removed from his brother's property and not itemised in an inventory. He was unhappy about poor communication from staff and that the contractor conducting the environmental clean had left unsealed bins outside the property with his brother's belongings inside.

Though the council were the deceased's landlord, the company who were property managing the tenancy on the council's behalf responded to the complaint. They advised that their policy is that when an environmental risk is identified, a contractor is required to conduct a full environmental clean of the property, removing all items which are contaminated or present a risk. They apologised for the breakdown in communication and interviewed staff about alleged conversations with Mr C. They also apologised for the bins being left on the street and explained that the contractor had worked extra hours in an attempt to clear the property ahead of the family's visit to the property, and the bins were left outside as there was no more room on the van. This was deemed to be a failing of the contractor and an apology was made in response to Mr C's complaint to them.

We found that procedures had been followed regarding the environmental clean and it was not unreasonable that items which were contaminated or posed a risk were not recorded on an inventory. In this case, it was also recommended an environmental clean should take place as the deceased was diabetic, so there was a needle risk in the property.

As the communication between staff and Mr C arose during verbal conversations, we had no way of determining what was actually said. We found that it was a failing of the contractor to leave bins containing hazardous material on the street. However, we concluded that this was a situational error which had occurred due to a desire to clear the property in time for the family to visit and noted that Mr C had received an apology. We therefore did not uphold the complaint.