

SPSO decision report

Case: 201705473, Aberdeen City Council
Sector: local government
Subject: repairs and maintenance
Decision: not upheld, no recommendations

Summary

Mr C owned a flat in a tenement building. The council also owned flats in the building, and Mr C believed that a council tenant had damaged the communal front door and entry system. Mr C thought that the council were responsible for repairing the damage and covering the costs. He complained to us that the council had unreasonably charged him for a share of the repair costs.

We found that no one actually witnessed who was responsible for the damage. The council explained to Mr C that, unless there were any witnesses, it was very difficult to prove who caused the damage. We saw no evidence, such as legislation or policy, to support Mr C's belief that the council were responsible for paying for damage to communal areas that was allegedly caused by one of their tenants.

All owners have duties and responsibilities in respect of repairs and maintenance of shared parts of property, normally set out in title deeds. As owners, both Mr C and the council likely shared responsibility for communal areas. Given this, it was reasonable for the council to conclude that private owners, such as Mr C, should bear a proportion of the repair costs and be invoiced accordingly. We saw no evidence that Mr C was not responsible for paying a share of common repairs.

We did not uphold Mr C's complaint.