

SPSO decision report

Case: 201808779, South Ayrshire Council
Sector: local government
Subject: policy / administration
Decision: some upheld, recommendations

Summary

Mr C owned a flat in a block of properties. The council also owned flats in the same block of properties. Mr C complained that the council unreasonably charged him for a share of the repair costs to a communal path.

We found that 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 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 this aspect of Mr C's complaint.

Mr C also complained that the council failed to communicate reasonably with him about the communal path repairs. We found that the majority of the council's communication was reasonable. However, we found that the council's communication with Mr C about the availability of an inspection report should have been clearer. We upheld this part of Mr C's complaint.

Recommendations