

## Scottish Parliament Region: West of Scotland

### Case 200500936: West Dunbartonshire Council

#### Summary of Investigation

##### **Category**

Local government: Housing Repairs and Policy/Administration

##### **Overview**

The complainant (Ms C) raised a number of concerns relating to her tenancy, including complaints about the adequacy of repairs to her flat and dealing with anti-social behaviour.

##### **Specific complaints and conclusions**

The complaints which have been investigated are that:

- (a) work to treat woodworm infestation, dampness and rot was not carried out promptly or effectively (*not upheld*);
- (b) furnishings removed to carry out inspections and treatment were not correctly reinstated (*not upheld*);
- (c) concerns raised about anti-social behaviour were not adequately addressed (*not upheld*);
- (d) the Council failed to respond to a formal complaint (*upheld*); and
- (e) the repossession of a lock-up garage was carried out improperly (*not upheld*).

##### **Redress and recommendations**

The Ombudsman recommends that the Council:

- (i) review the system for ensuring the quality of repair work completed; and
- (ii) apologise to Ms C for failing to respond to a formal complaint.

The Council have accepted the recommendations and will act on them accordingly.

## **Main Investigation Report**

### **Introduction**

1. Ms C first contacted the Ombudsman's office by email on 4 July 2005 to raise her concerns about a number of issues relating to her tenancy. She had been renting her property for 13 years and was concerned about recent problems with repairs to suspected woodworm, the repossession of the lock-up she had been renting and the anti-social behaviour of a neighbour. She wrote to West Dunbartonshire Council (the Council) on 4 February 2004 about the repairs and anti-social behaviour. In the absence of a formal response from the Council to these issues, I decided to investigate Ms C's concerns given the length of time that had elapsed.

2. The complaints from Ms C which I have investigated are that:

- (a) work to treat woodworm infestation, dampness and rot was not carried out promptly or effectively;
- (b) furnishings removed to carry out inspections and treatment were not correctly reinstated;
- (c) concerns raised about anti-social behaviour were not adequately addressed;
- (d) the Council failed to respond to a formal complaint; and
- (e) the repossession of a lock-up garage was carried out improperly.

### **Investigation**

3. To investigate Ms C's concerns, I made inquiry of the Council on 13 March and 6 November 2006 and received detailed responses on 31 March and 28 November 2006. These responses included receipts and system notes relating to work carried out in Ms C's property and copies of letters sent to her. In addition, Ms C provided photographs of the areas of her kitchen and bathroom that had been the focus of the repair and investigation work. I also reviewed the Council's policies on repairs and customer care.

4. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Ms C and the Council were given an opportunity to comment on a draft of this report.

**(a) Work to treat woodworm infestation, dampness and rot was not carried out promptly or effectively**

5. Ms C reported concerns about woodworm in her bathroom on 4 September 2003 and then reported further concerns about the problem spreading to her kitchen on 15 and 30 September 2003. From their records, I have established that the Council responded to these concerns with visits to Ms C's property on 10 and 16 September 2003 when they inspected and treated the problem. Ms C complained that, although the work was completed, some affected floorboards were not removed and she was concerned both that this might lead to the problem spreading and that the remaining floorboards were weak. She then replaced some remaining floorboards herself.

6. Ms C reported further concerns about the possible spread of woodworm into her kitchen on 30 June 2004. The Council visited Ms C's flat on 5 July 2004, removed her sink unit and inspected the area for woodworm. Although none was found, Ms C continued to have serious concerns about decaying woodwork and walls behind her sink unit. The Council's records state that the sink unit was re-fitted, but Ms C says that this was not done. Similarly, Ms C contradicted a statement made by the Council to the Ombudsman's office in a letter of 28 November 2006 in which the Council said that she had not removed a floor covering to enable inspection to take place.

7. The photographic evidence provided by Ms C shows unsightly wall surfaces, particularly under the sink unit, gaps around the kitchen ceiling and front door, a poorly fitted bathroom door and unsightly floor surfaces.

8. Ms C also complained about the Council's response to concerns she raised about dampness on her living room wall. The Council's records show that this was reported on 2 April 2005 and that remedial work was carried out on 6 April 2005. The problem was identified as being condensation and from Ms C's reports to the Ombudsman's office, it appears that this problem is recurring.

*(a) Conclusion*

9. It is clear that the Council did respond to Ms C's concerns about woodworm and dampness in her flat and that their response was prompt. However, Ms C was not satisfied with the quality of the work carried out and was not reassured that the treatments had been thorough. On balance, I do not uphold this complaint because the Council did respond to the issues raised and

were satisfied that they had treated the problems (paragraph 5 refers). However, there are indications, including Ms C's photographic evidence, that the work undertaken was the minimum necessary to achieve this and it is clear that Ms C remained dissatisfied both with the explanations of the problems and with the quality of repairs to her home. Some of Ms C's photographic evidence shows unsightly wall and floor surfaces. However, as the tenant, Ms C was responsible for any decorative work to cover these.

*(a) Recommendation*

10. Although I do not uphold this complaint, there is evidence that the quality of the work undertaken in Ms C's flat did not appear to be of a particularly high standard. I, therefore, recommend that the Council review the system for ensuring the quality of repair work completed.

**(b) Fittings removed to carry out inspections and treatment were not correctly reinstated**

11. As described in paragraph 6, there was a clear difference of opinion over whether or not the Council had reinstated Ms C's kitchen sink unit after it had been removed to inspect for suspected woodworm. Printouts from the Council's own records refer to this work as having been ordered and completed. However, Ms C's clear recollection of events is that workmen left her flat before completing the replacement of the unit. Ms C states that she carried out this work herself.

*(b) Conclusion*

12. I have given this issue careful consideration, in light of the clear difference of opinion over what happened. The Council have provided printouts which record this work as having been completed, yet Ms C's recollection is very different. Nevertheless, there is no evidence that Ms C, when she became aware of the situation, contacted the Council to give them an opportunity to complete the work. Accordingly, in all the circumstances, I am minded not to uphold this aspect of the complaint.

**(c) Concerns raised about anti-social behaviour were not adequately addressed; and d) the Council failed to respond to a formal complaint**

13. Ms C outlined her concerns about the anti-social behaviour of a neighbour in a letter to the Council dated 4 February 2004. In their submission to the Ombudsman's office on 31 March 2006, the Council noted that they had been aware of this individual's behaviour and described the measures taken to

address of the issues involving Housing and Social Work teams.

14. Ms C raised further concerns about anti-social behaviour in a letter of 27 June 2006 and has reported to the Ombudsman's office that she has noticed ongoing problems with such behaviour in her immediate vicinity. The Council responded to that letter on 30 June 2006.

15. Ms C's letter of 4 February 2004, referred to above, was written in response to a letter from the Council of 3 February 2004 which was addressed to all tenants in her close. This letter was written to alert tenants to their responsibilities for the cleanliness of the close. In her own letter, Ms C responded to this issue and further stated a number of complaints relating to her repairs. This letter was acknowledged on 18 February 2004 with an assurance that her complaints were being investigated and that a full reply would follow. No further written response was made to Ms C's complaints.

*(c) Conclusion*

16. From the evidence supplied to the Ombudsman's office, I conclude that the Council took reasonable steps to address the problems identified by Ms C in her letter of 4 February 2004. I do not, therefore, uphold this complaint. However, I am critical of the fact that Ms C received no personal response to her concerns of 4 February 2004 (see paragraphs 17 and 18).

*(d) Conclusion*

17. The Council failed to respond to Ms C's letter of complaint and I, therefore, uphold this complaint. After consideration of the draft of this report, the Council informed the Ombudsman's office that improvements have been made to their system for monitoring and tracking complaints correspondence. I commend the Council for this action.

*(d) Recommendation*

18. I recommend that the Council apologise to Ms C for their failure to respond to her formal complaint letter of 4 February 2004.

**(e) The repossession of a lock-up garage was carried out improperly**

19. In her complaint to the Ombudsman's office of 4 July 2005, Ms C also complained that her lock-up garage had been repossessed despite her being up to date in her rental payments. In their letter to the Ombudsman of 31 March 2006, the Council explained the circumstances of this repossession.

This came about as the result of a decision of the Council's Social Justice Committee to demolish the properties as a preparation for the redevelopment of the area.

20. The Council said that they had written to Ms C by recorded delivery on 24 February 2005 to advise her of the repossession and, in line with her lease agreement, gave her 28 days written notice to vacate the lock-up and return the keys to the Council. In the absence of a response from Ms C, this had been followed up with a hand-delivered letter on 4 April 2005. Ms C denies receiving these letters.

21. On further inquiry to the Council, copies of both letters and of the signed certificate of delivery for the second were supplied to the Ombudsman's office.

*(e) Conclusion*

22. Although Ms C stated clearly that she did not receive these letters, the evidence is that the Council took reasonable steps to inform her of their legitimate intention to repossess the lock-up she rented. I do not, therefore, uphold this complaint.

23. The Council have accepted the recommendations and will act on them accordingly.

23 May 2007

**Explanation of abbreviations used**

Ms C

The complainant

The Council

West Dunbartonshire Council