

Case: 201003760, The City of Edinburgh Council
Sector: local government
Subject: building warrants: certificates of completion/habitation
Outcome: some upheld, recommendations

Summary

Mr C complained about inaction by the council with regard to building warrants issued for his neighbour's property. His and his neighbour's property were formerly a single dwelling with a shared stairwell. Mr C's neighbour applied for a building warrant to renovate his property, including works within the old stairwell.

Mr C complained that the works were not completed in line with the building warrant or to the required fire and acoustic insulation standard. He considered that the warrant required his neighbour to divide the two properties by introducing a new ceiling at the level of Mr C's floor. The neighbour's failure to do so prevented Mr C from carrying out work for which he had obtained a building warrant.

Mr C complained that the council did not act when told about the lack of subdivision of the properties. He also felt they should have taken enforcement action against his neighbour as the work was not carried out in line with the building warrant.

We did not find that the original building warrant (or a subsequent amendment) required his neighbour to divide the properties. We were concerned, however, that the council did not take prompt action to address legitimate fire safety concerns raised by Mr C and made recommendations.

Recommendations

We recommended that the council:

- review their procedures for ensuring that fire safety risks are resolved in good time; and
- consider commencing enforcement action against the named property.