

SPSO decision report

Case: 201201242, Barony Housing Association Ltd
Sector: housing associations
Subject: repairs and maintenance
Outcome: some upheld, recommendations

Summary

When Mr C took a tenancy with the housing association he was unhappy with the state of the kitchen tiling and replaced it himself, after telling a housing officer he intended to do so. Six months after he moved in, he suffered a lighting and power failure on a winter night and called out the association's emergency electrician service. He received an invoice and reminders for this call-out, with which he disagreed. He complained about this and about dampness in his property. When he felt this was not resolved to his satisfaction, he gave notice that he was terminating his tenancy, and moved out, without paying the invoice. As he left the property before handing in the keys, there was no pre-termination inspection and he left no forwarding address. Five days after he handed the keys back, the association inspected the property and said that the work Mr C had done was of unsatisfactory quality. They instructed plasterboard and tiling repairs and work to replace sockets damaged by grout. After receiving the invoices for this work, and without contacting Mr C at his known email address, the association instructed debt recovery agents to pursue Mr C for the sums they said he owed. He eventually found out about the debt through a relative.

Mr C complained to us that the association were unreasonably seeking to charge for the emergency electrician visit and for works carried out after he left the tenancy, and that they put the matter in the hands of debt recovery agents without first contacting him. Our investigation found that the association had unreasonably sought to recover the charges, as there was no evidence to show that they had raised concerns about the quality of the tiling at any time before Mr C vacated the property. We also found that they had not considered whether it was in fact reasonable for Mr C to call out the electrician under the circumstances, and that they could have first contacted him by email about the debt recovery.

Recommendations

We recommended that the association:

- review their advice to tenants on use of the out-of-hours service and the circumstances where tenants may or will be re-charged;
- consider reducing the recharges sought to recognise the administrative failings identified;
- share the decision with staff involved in this matter to ensure that in future appropriate records are kept of discussions held with tenants;
- remind staff that, where applicable, written permission for carrying out repairs/improvements to a property is provided to tenants as per the tenancy agreement; and
- give consideration to amending their processes so that, where a request has been made by the association for a tenant to bring repairs carried out themselves up to an acceptable standard, an inspection is subsequently carried out to ensure that this has been done.