

SPSO decision report

Case: 201202328, The City of Edinburgh Council
Sector: local government
Subject: repairs and maintenance
Outcome: some upheld, recommendations

Summary

Mr C complained that the council delayed carrying out an emergency repair on the window of the communal hallway at his home. He also complained that they failed to compensate him under the terms of the Right to Repair scheme for the delay in repairing the window and to comply with their responsibilities to regularly paint the communal stairway.

Our investigation found that the repair did not qualify for compensation under the Right to Repair scheme as it was a repair to a communal area. We also found that although the original tenancy agreement indicated that the council would paint the stairway every five years, they had since signed the Scottish Secure Tenancy agreement, and that stair painting could now only be carried out when agreement was reached with all owners. The council demonstrated to us that they had tried to get other residents to agree to this work. However, we did find that, as the council accepted that the broken window had affected their tenant and carried out the repair, they should have done so when it was first brought to their attention. For this reason, and because their joiner failed to properly board up the window, we upheld this aspect of Mr C's complaint.

Recommendations

We recommended that the council:

- write to Mr C to apologise for the delay in repairing the window.