

SPSO decision report

Case: 201404041, North Lanarkshire Council
Sector: local government
Subject: repairs and maintenance
Outcome: some upheld, recommendations

Summary

Ms C, a council tenant, was unhappy with the steps the council had taken as her landlord. Her property had required a substantial repair the day after she moved in and, from the outset, she did not think it met the required standard of repair. Ms C was also unhappy with the amount of compensation they offered her following this, the fact that they did not provide her with alternative living and storage arrangements while works were being done, and also with the time taken for subsequent repairs.

The council said that, when they did their normal inspection of the property before allocating it to Ms C, there had been no clear signs pointing to the problem. However, a historic repair they had done had been inadequate – it led to the additional repair then being needed. Therefore, on balance, we considered the evidence available indicated that the council had not provided a flat that met the required standard of repair when Ms C moved in. We upheld this complaint.

Our role in considering Ms C's compensation claim was limited to the council's administrative handling of it. The evidence indicated that the council had offered Ms C the amount she had asked for. She said she would have asked for more had she known it would have been offset against her council tax arrears, but the council's guidance did explain that would happen. In addition, the form she signed included a declaration that Ms C had read and understood this guidance. However, the evidence also indicated that the council did not adjust Ms C's award for depreciation or the lack of documentation, which they said they would do. The council had increased their offer following her additional contact and we did not uphold this complaint.

Ms C's lease said the council could require her to move temporarily for necessary repairs, but not that they had to move her for all repairs. They had offered alternative accommodation following the initial issue and during more recent repairs. There was no evidence that the council had to offer storage. Accordingly, we did not uphold this complaint. Finally, the evidence indicated that the council's subsequent repairs had taken longer than they should have done, and they acknowledged that their historic repair should have gone further than it did. Although the flat was not actually Ms C's home at that point, their delay in properly repairing the underlying problem materially affected her once it was her home. We upheld this complaint and made three recommendations.

Recommendations

We recommended that the council:

- apologise to Ms C for the failings identified;
- check that there are no outstanding repairs at Ms C's property for which they are responsible; and
- review this matter for any possible areas for improvement (for example, consider ensuring repairs are recorded from the date they are reported so they can be tracked appropriately).