

## SPSO decision report

**Case:** 201705213, Viewpoint Housing Association Ltd  
**Sector:** housing associations  
**Subject:** neighbour disputes and anti-social behaviour  
**Decision:** upheld, recommendations

### Summary

Mr C complained about the lack of response from his housing association to concerns he raised that second hand smoke from a neighbouring property was entering his home. Mr C was unhappy that the issue had been ongoing for over a year without any action being taken against his neighbour. The association advised that they had attended Mr C's property, met with his neighbour, arranged for the local authority's environmental health services to conduct an inspection and hired a private company to conduct a further inspection. The association advised that none of these actions had been able to provide evidence to support Mr C's complaint about noxious fumes in the property.

We found that the association responded appropriately to Mr C's initial complaint about the fumes. We noted that following this, Mr C had identified that the fumes were strongest during the evening and through the night and, therefore, any daytime inspections are unlikely to find evidence as the odours will have dispersed. We found that it took the association a further seven months before an inspection of the property was arranged and a further five months before the environmental health service attended the property at night. The findings of the night inspection were that no fumes were observed and the matter was considered closed. We accepted that the investigation had been unable to find evidence to support Mr C's complaint of noxious smells. However, we considered that the inspection should have been carried out much sooner. Therefore, we upheld Mr C's complaint.

### Recommendations