

SPSO decision report



Case: 202505687, The City of Edinburgh Council
Sector: Local Government
Subject: Mould / damp
Decision: upheld, recommendations

Summary

C complained to the council about damp and mould in their rental property. C had been moved to the property because of their disabilities; the property is on the ground floor and has a wet room. C first reported issues with water pooling and not draining in the wet room. The council inspected the floor and recommended replacing it, but the work was not carried out. C later reported widespread damp, and a damp survey found damp throughout the property. The survey report stated that this was caused by the lack or failure of a damp proof course. The report recommended extensive remedial works, requiring C to decant to another property.

The council delayed in taking action to decant C and commence works. C's chronic health conditions, which include respiratory issues, were severely impacted by the damp. C complained to the council, following which there was a further delay of three months before C was decanted to another property. Works were not completed until almost a year after the complaint had been made.

We obtained the council's records and found that the property had longstanding problems with dampness, which did not appear to have been adequately addressed prior to C taking up their tenancy. A survey carried out four years prior to C's complaint recommended a damp proof course. We found no evidence of damp proof works having been carried out.

We were critical of the council's response to C's concerns, particularly given that they were aware of C's disabilities. We found that the council's response was dismissive and unreasonably slow. We were critical of the council's complaints handling. We found that their response was delayed and was lacking in detail and empathy. It provided no explanation for the delays in addressing the substance of C's complaint. We also noted the significant disruption caused by the requirement to decant, with the remedial works taking almost nine months. We upheld C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for failing to ensure that their rental property was in a reasonable condition prior to their tenancy commencing. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/meaningful-apologies.
- Given the failings we have identified, the council should make this decision available to their insurers to assist them in considering any claim C may have, or may wish to submit, in respect of their losses.

What we said should change to put things right in future:

- The council carry out repairs within a reasonable period of becoming aware that they are required, in accordance with the Scottish Secure Tenancy Agreement.

In relation to complaints handling, we recommended:

- Complaints are responded to within the timescales set out in the Complaint Handling Procedure. We offer SPSO accredited Complaints Handling training. Details and registration forms for our online self-guided Good Complaints Handling course (Stage 1) and our online trainer-led Complaints Investigation Skills course (Stage 2) are available at <https://www.spsa.org.uk/training-courses>.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.