

CASE SUSTAINED

CS566

COMPLAINT AGAINST THE DEPARTMENT OF BUILDINGS AND WORKS OVER THE INORDINATE DELAY IN CARRYING OUT REPAIRS TO THE COMPLAINANT'S FLAT

The Complainant, a Government tenant, was a single mother of three children. The floorboards within her flat had become rotten as a result of excessive humidity levels. The Complainant informed the Ministry for Housing's Reporting Office that her kitchen floor appeared to be sinking on 8th May 2002. By 23rd June 2003, the date she complained to the Ombudsman, the Department of Buildings & Works ("B&W") still had no timeframe as to when the floorboards would be replaced.

The Ombudsman included this case in his bi-monthly meetings with B&W during July 2003. B&W informed him that the Complainant's flat had been forecasted into B&W 2004 Major Works Programme. Due to the nature of the works, however, the Complainant expressed the view that she and her children would be unable to remain in the flat during the 'Major Works' programme.

The Ombudsman inquired as to whether the Complainant should be decanted once the works were initiated, but B&W informed him that the Housing Department (the "Department") was responsible for taking decisions of this nature. B&W sent the Department an internal Memo, dated 15th October 2003, explaining the Complainant's plight, and asking the Department to consider her request to be re-housed for the duration of the works. B&W did not receive a reply to their Memo, so they sent the Department a reminder letter dated 17th November 2003.

At their first meeting of 2004, B&W assured the Ombudsman that the Department had informed them that the Complainant would be decanted once the works were started. Additionally, the Complainant's flat had been included in the Major Works programme, scheduled for commencement during April 2004.

Notwithstanding the above, by mid-April 2004 the said works had not yet been initiated. This was further confounded by the fact that B&W was experiencing industrial action, which meant that their workers would be doing the minimal amount of work, hence delaying the commencement date even further.

The Ombudsman acknowledged that B&W had provided him with a copy of their Major Works Programme for 2004. He noted that the Complainant's flat was due to be refurbished during April 2004, and the job was expected to take about seven weeks to complete.

The Ombudsman was disappointed, however, when B&W failed to execute the instructions to carry out the said works. He explained that the Complainant had already

had to wait almost two years for the rotten floor boards to be replaced and, at the time of writing (April 2004), there was no date as to when the works would commence. Additionally, no effort was made to contact or update the Complainant, the Ombudsman reiterated the view that failing to update members of the public waiting for works to be carried out by B&W, was a very poor public relations exercise. Bearing these reasons in mind, the Ombudsman sustained the complaint.