

**CASE NOT SUSTAINED
RECOMMENDATION MADE**

CS/592

**COMPLAINT AGAINST THE DEPARTMENT OF BUILDINGS & WORKS FOR
REFUSING TO REPLACE THE COMPLAINANT'S BALCONY WINDOWS
WHICH ALLEGEDLY WERE IN A DANGEROUS STATE**

The Complainant alleged that his balcony windows, which he said had already been in place when he was allocated the flat, were in danger of falling off and he complained that the Department of Buildings and Works ('B&W') was refusing to replace them because they had not been originally fitted by the Housing Ministry.

B&W explained that in October 1999 when the Complainant first reported that his balcony windows had to be replaced or repaired their Ministry's policy had been that since all balcony windows in government estates had been installed at some stage by a tenant, the Ministry would not make itself responsible for repairs. That policy had now been relaxed and at present when a report is received regarding balcony windows, B&W refer the report to the Housing Department. If the flat was allocated to the present tenant with the existing balcony windows B&W would be instructed to assume responsibility over them. In the case in question the Housing Department had no available records so the Complainant was given the benefit of the doubt and B&W was instructed to inspect the windows and place the request in the window replacement list depending on its priority.

The Ombudsman could not sustain the complaint, pointing out that B&W had merely been following Ministerial policy when it refused to repair the windows. He noted however, that the Housing Department had no records as to whether the flat had been allocated to the Complainant with the windows already installed.

The Ombudsman recommended that in the future before a flat was allocated it should be inspected jointly by the would-be tenant and the Housing Department and an inventory drawn up detailing the state of the flat, the number of rooms, whether or not the balcony is enclosed and any other relevant information. In this way if for example the flat was allocated with an open balcony and the tenant had it enclosed the Ministry would know years down the line who was liable to carry out the repairs.