

-BY POST -

110a Sylvan Avenue
Wood Green
Haringey
London
07725 586 509
dmcmmorrow@mage-net.net

19th August 2017

RE:110a Sylvan Avenue, Wood Green, Haringey, London, N2 5HY

I write regarding disrepair at the above address. I am using the Housing Disrepair Protocol.

Repairs

The following defects exist at the property intermittent Fault with specialist toilet.

The history of the disrepair is as follows:

On 20 September 2016 I raised Stage One formal complaint. In this complaint was several things, one was My Geberit Aquaclean Toilet L&Q Complaint – 1 – Toilet, Intercom, Water – 2016-09-20
The response was received on 5th October 2016 Email 5th October 2016
As with all L&Q communication the response raises more question than it answers.

On 14th October 2016 I submitted my objection is L&Q Complaint – 2 – Toilet – 2016-10-05

It was written with the advice of Citizens Advice Bureau and Shelter.

According to L&Q Complaint Procedure

<https://www.lqgroup.org.uk/comments-and-complaints/complaints-procedure/>

there is no time frame for a response. With my stage one complaints I give ten working days. 10 Working day from 14th October 2016 would have been 28th October 2016.

On 05th November 2016 I submitted L&Q Complaint – 3 – Toilet – 2016-11-04 In Email 2016-11-05 1320

L&Q ended up having to buy me a whole new toilet as the parts were not available for the old one.

On 25th April 2017 The manufacturer (Geberit) came out Geberit – Report – 2017-04-25

This was the referral HSM had made on 31st March 2017

The response was received on 5th May 2017 Email 5th May 2017 Again the response raises more question than it answers...It states

I am sorry to hear about the delays you have encountered following the report of the Wc pan showing intermittent faults,

This is an apology for the delay not an explanation of the delay.

As discussed earlier, following an initial call-out by L&Q's contractor HSM a referral was made to the manufacturer of the Aquaclean Wc pan. Their assessment confirms there is no fault with the installation of the toilet and it is being affected by water spillage from the shower use. As shower use is not constant, I am advised by the manufacturer it works as intended at other times when the shower is not in use. The manufacturer has recommended we install a screen between the shower and the Wc pan, however, as discussed with you we cannot proceed with this until it has been authorised by an OT.

This is not true. The manufacturer (Geberit) said [Geberit – Report – 2017-04-25](#)

The manufacturer has recommended we install a screen between the shower and the Wc pan, however, as discussed with you we cannot proceed with this until it has been authorised by an OT. Now this is the fun part..

The manufacturer (Geberit) make no recommendations in the report. The engineer that visited me was reluctant to make recommendation as he had no knowledge of my disability or my use of the toilet.

My OT made the recommendation on 8th December 2016 L&Q have once again lost the report!
Letter 2016-12-08 – OT Recommendation Shower Spec

On 24th June 2017 (According to my Google Calendar) City Build attended to move the shower and install a shower curtain, that the OT recommended on 8th December 2016

On 21st July 2017 I wasted 19 minutes explaining the issue to a very stupid person at L&Q who despite my objection said HSM had to attend as they were the appropriate contractor.

On 25th July 2017 HSM had not turned up so I submitted [L&Q Complaint – 1 – Toilet 2 – 2017-04-18](#)

On 5th August 2017 The toilet was not working so again called L&Q Again stupid lady said HSM would be out in 24 hours. Shortly after another lady called back, saying L&Q would call me 7th August 2017 and no one would be out over the weekend.

On 11th August 2017 Had a voice mail From HSM. They are being asked by L&Q to come out and take photos of the toilet. Spoke with L&Q was told the lady I wanted worked with Gas not toilets! So I looked up HSM. They appear to be a Heating & Hot water company. Not qualified to install a toilet!

On 14th August 2017 I had a phonecall from L&Q. They once again have asked HSM to attend.

On 15th August 2017 I had another voicemail from HSM. **No one seems to understand the problems have been caused by HSM installing the toilet wrong in the first place.** [Geberit – Report – 2017-04-25](#) outline the wrong installation [Geberit – Report -2017-08-15](#) details the consequences.

I Submitted [L&Q Complaint – 3 – Toilet 2 – 2017-08-15](#)

On 16th August 2017 I received [Geberit – Letter – 2017-08-16](#) In this we see on 25th April 2017 Geberit told both L&Q and HSM the toilet was installed wrong. But nothing was done.

You received notice of the defects as follows: **30th March 2017.**

Please arrange to inspect the property as soon as possible. Access will be available on the following dates and times: Monday-Friday 9am till 5pm

Please confirm whether you intend to carry out repairs at this stage or whether you wish to wait until the property has been inspected by the expert(s) as set out below.

If you intend to carry out repairs at this stage, please set out a full schedule of intended works including anticipated start and completion dates and a timetable for the works.

Disclosure

Please also provide within 20 working days of this letter the following:

All relevant records or documents including:

- (i) a copy of the tenancy agreement including the tenancy conditions;
- (ii) the tenancy file;
- (iii) documents relating to notice of disrepair given, including copies of any notes of meetings and oral discussions;
- (iv) inspection reports or documents relating to works required to the property;
- (iv) computerised records.

I have my copies of the following relevant documents at the publicly accessible

<http://www.mage-net.net/2017/07/12/lq/#toilet>

Repair

HSM will not be accepted as a contractor for this repair. HSM caused this fault by installing the Toilet wrong.

Expert

If agreement is not reached about the carrying out of repairs within 20 working days of this letter, I propose that we jointly instruct a single joint expert **Geberit** who make the Aquaclean to carry out an inspection of the property and provide a report. Please let me know if you agree to this appointment. If you object, please let me know your reasons within 20 working days.

If you do not object to the expert being instructed as a single joint expert, but wish to provide your own instructions, you should send those directly to **Geberit** within 20 working days of this letter. Please send me a copy of your letter of instruction. If you do not agree to a single joint expert, I will instruct **Geberit** to inspect the toilet in any event. In those circumstances, if you wish to instruct your expert to attend at the same time, please let me and **Geberit** know within 20 working days.

Claim

I take the view that you are in breach of your repairing obligations. I'm afraid no proposals for compensation you make will be accepted this has been referred to the Housing Ombudsman and Environmental Service, I also have sought legal advice.

Yours faithfully,

Mr McMorrow