

SPSO decision report

Case: 201002431, West Lothian Council
Sector: local government
Subject: housing application
Outcome: not upheld, no recommendations

Summary

Mr C was the owner of a private house. When he fell behind with mortgage payments, the lender threatened repossession. Mr C approached the council in July 2009. He told them that he understood his lender would repossess his home within four weeks, and submitted a housing application. He was initially given 100 points for underoccupation. He continued to live in his home and, before the court case for repossession in April 2010, he entered into a short tenancy agreement for a private let. He moved out of his home after the court case but still sought council housing. From 24 May 2010 the council revised their housing policy, and as a result Mr C lost his underoccupation points. He complained that the council had failed to offer him accommodation although he was homeless, and refused to give him priority points as given at the start of his application. Our investigation found that when Mr C first sought rehousing in July 2009, and in March 2010 when he secured a private let before the court case, the council were entitled to regard him as not homeless. The council were also entitled to revise their policy. In the period prior to May 2010, Mr C's points were insufficient to warrant an offer of rehousing.

When this report was first published on 21 September 2011, it was incorrectly categorised as being about The Moray Council. This was due to an administrative error which we discovered on 22 September 2011, and for which we apologise.