

SPSO decision report

Case: 201102932, West Lothian Council
Sector: local government
Subject: tenancy rights and conditions
Outcome: not upheld, no recommendations

Summary

Mr and Mrs C are council tenants. They complained that the council made a mistake in the sale of their neighbour's house under the Right to Buy legislation by including a piece of their garden ground. When we investigated, it was clear that the occupier of the neighbouring property had purchased his house with the piece of land which the complainants claimed should be part of their garden ground.

The council did put up a new dividing fence a few years ago and re-positioned it on the boundary line which the complainants claimed is correct. The council had explained to the complainants that this was done in error, but the complainants did not accept this, complaining that their privacy and amenity would be affected. We did not uphold the complaint because it was evident that the complainants had accepted their tenancy with the garden ground they previously enjoyed and the new dividing fence had been put up in error.