

Case: 201102109, The Highland Council
Sector: local government
Subject: right to buy
Outcome: not upheld, no recommendations

Summary

Ms C entered into a council tenancy in 2007. Before she took the tenancy, the council had applied for and received Pressured Area Status (PAS) (which indicates that the demand for social housing outstrips supply) which meant that they had suspended tenants' right to buy their property until 2010.

Ms C had, however, anticipated that after serving the qualifying five years as a tenant she would be able to buy her home in 2012. In 2009 she applied to install central heating at her own expense. She was not specifically told then that the council might apply to extend the initial PAS period.

The council announced that intention in October 2009, and the Scottish Government granted a five year extension. Changes in the legislation after that allowed the council to exercise their powers to extend the period further, to 2020. Ms C complained that she had not been told of the possibility of the council applying for an extension, either when she signed for the tenancy or when she asked for permission to install central heating.

The council decided to apply for an extension five months after they gave Ms C permission to install central heating. While Ms C was clearly adversely affected by this and other policy decisions, in the absence of errors in the decision-making process we could not investigate these.

We did not uphold her complaints, as our investigation found that Ms C's original tenancy documents clearly stated that PAS was in place and that the council reserved the right to apply for an extension. She signed the documents and, therefore, the council clearly gave her accurate information about the position on right to buy.