

Case: 201102642, The City of Edinburgh Council
Sector: local government
Subject: tenancy rights and conditions
Outcome: not upheld, no recommendations

Summary

Ms C told us that she moved in to her father's local authority house in October 2010. She said that, at the time, they had immediately requested that a joint tenancy be created but that the council failed to do this.

She also complained that the council failed to adhere to an undertaking that after a six month qualifying period a joint tenancy would be created, backdated to October 2010. Ms C also alleged that after her father died in 2011 the council did not grant her an automatic right of succession to the tenancy, and did not independently review the circumstances of her complaint as they had promised.

When we investigated the complaint we considered all the documentation and relevant legislation. We did not uphold any of Ms C's complaints. We found no evidence to confirm any of Ms C's allegations. There was no evidence that she moved into the house in 2010 - in fact, information from interviews with her late father confirmed that she moved there in April 2011 at the earliest. Ms C had also said that her father sent a recorded delivery letter in November 2010 asking that a joint tenancy be created. She was, however, unable to provide confirmation of postage that would have allowed the council to track the letter. There was no evidence of a promise to backdate the tenancy.

Although Ms C provided information which, she said, confirmed the date she took occupancy of the house the council said that this conflicted with previous information. Our investigation confirmed this to be the case. The council also asked her to provide specific information to show that her father's house had been her principal home, which they said would remove any doubt, but Ms C failed to do so.

After receiving the complaint, the council asked Ms C if she would agree to an independent review by a manager from outwith her area. She agreed. The

review was completed and Ms C's tenancy was recognised as being from the date after her father died.