

SPSO decision report

Case: 201200333, Falkirk Council
Sector: local government
Subject: finance - rent
Outcome: not upheld, action taken by body to remedy, no recommendations

Summary

Mr C, who is a member of the Scottish Parliament, complained to us on behalf of a constituent (Ms A) about the council's handling of her tenancy of a council property. Ms A had accepted and signed the tenancy agreement but handed the keys back the next day with a signed notice of termination of tenancy. Ms A was unhappy that, although she had the keys to the property for less than 24 hours, she then received an invoice for a full month's rent. She said that despite signing both the agreement and the notice of termination which had stated that 28 days' notice was required, she had been verbally assured that she would not have to pay the one month's notice. Ms A was also unhappy that a council tax debt for the property was referred to sheriff officers.

We did not uphold Mr C's complaints. We found that there were no notes of the conversations between the council and Ms A. The council said that they had not given her such verbal assurance, and that the 28 days' notice would only be waived in very exceptional circumstances and would need the approval of senior management. Senior management had in fact considered the request but had decided that the 28 day rent period would be charged. The council said that as Ms A had had the keys for 24 hours they needed to start the 'void' process again to allow safety checks to be carried out. (A 'void' is a property that does not have a current tenancy).

The council did say that they would expect there to be a record of conversations of a significant nature. We were critical of the fact that there were no notes in this case, but noted that the council had taken action to address this matter. Overall, we found that there was not enough evidence for us to say for sure that an assurance had been given to Ms A that her rent period would be waived.

When we looked at the issue about council tax, we found that although the council had resolved the matter by awarding a discount and cancelling the account, Ms A was still unhappy with what they had done. We found, however, that the evidence demonstrated that Ms A had not contacted the council after receiving the council tax bill or reminder notice, and that the council had correctly followed procedures in their handling of the matter.