

SPSO decision report

Case: 201301023, The Moray Council
Sector: local government
Subject: terminations of tenancy
Outcome: upheld, recommendations

Summary

When Mr C was sent to prison, he terminated his council tenancy and gave the council a mandate to dispose of his personal property to reduce an amount of money that he owed them. The council put a number of items up for sale in a local auction house, and put the net proceeds towards Mr C's rent arrears, but he still owed council tax. After Mr C was released from prison, he returned to the area and shortly afterwards the council sent him a statement of his council tax arrears. Mr C then made an information request about the disposal of his property. He had compiled an inventory from memory and believed that his property had been sold for an eighth of its value. After the council responded to his information request he complained to them, then to us, that the process used in disposing of his property was inappropriate.

We found that the council had disposed of Mr C's property before the Housing (Scotland) Act 2001 and related regulations came into effect. As he terminated the tenancy and did not abandon it, the council had not needed to compile an inventory of his belongings. Our investigation also found that the terms of Mr C's mandate to the council were wide ranging and unequivocal. However, we upheld his complaint, as we took the view that they should have written to him in prison to account for the discharge of his mandate, advised him of the proceeds of the sale and told him that these had not been enough to clear his debts.

Recommendations

We recommended that the council:

- apologise to Mr C for their failure to write to him after the disposal of his property and inform him of the consequences for his indebtedness.