

SPSO decision report

Case: 201306028, Thenue Housing
Sector: housing associations
Subject: right to buy
Outcome: not upheld, no recommendations

Summary

Mrs C wanted to buy her home under the right to buy legislation. She complained that her association were unreasonably refusing her request, and that they gave inconsistent reasons for their refusal. The association explained that when Mrs C left her previous tenancy she had entered into an assured tenancy, under which she had no right to buy. Her tenancy was then changed to a Scottish secure tenancy under the Housing (Scotland) Act 2001. Under this kind of tenancy, she (technically) accrued a modernised right to buy after five years. However, the council had already suspended the right to buy in the area, and had then asked for a further suspension, which the Scottish Government granted. This meant that Mrs C would not be able to exercise the modernised right to buy until 2022.

We considered all the information provided by Mrs C and the association. We also reviewed the law which determines the right to buy, and the relevant government guidance. Having done so, we were satisfied that the association had complied with their responsibilities in terms of Mrs C's right to buy. We also noted that, throughout this process, the association had given her clear and consistent explanations about why her application was refused.