

SPSO decision report

Case: 201401965, The City of Edinburgh Council
Sector: local government
Subject: rent and/or service charges
Outcome: not upheld, no recommendations

Summary

Mrs C, who is an advice worker, complained that the council had charged her client (Ms A) rent for a property that was uninhabitable. After taking on a new tenancy, Ms A had complained to the council that she had been unable to live in the property since the tenancy commenced due to water ingress and dampness. The council agreed to decant her to another property. The council investigated Ms A's complaint and agreed to a rent abatement (refund on rent due), but Ms A was unhappy that the refund was not backdated to when she said she was unable to live in the property, which was a few months before she contacted the council about this matter. When the council agreed to decant Ms A, they did not charge rent at the decant property which meant that Ms A could not claim housing benefit that she said she was due.

We considered the correspondence with the council, records of payments and the tenancy agreement as well as the council's guidance notes for rent abatement and decant procedures. We found that the council had followed their procedures and had reasonably awarded a rent abatement from when they were informed by Ms A that she was not able to live in the property until she moved into decant property which later became her permanent residency. The council also had acted within their guidelines regarding charging Ms A for the original property and not the decant and that she had been paid housing benefit due to her in line with housing benefit regulations. We did not uphold the complaints.