

SPSO decision report

Case: 201500702, Argyll Community Housing Association
Sector: housing associations
Subject: terminations of tenancy
Outcome: upheld, recommendations

Summary

Mr C was a tenant of the housing association and, in 2012, he and his family applied for a larger house. In order to be put on the list for a larger property, Mr C needed to carry out some work to the property he was living in to bring it up to a lettable standard. Mr C was finally offered a larger house and the move took place in 2014. Following the move, Mr C was sent a bill for repairs for his previous property and a bill for a further two weeks' rent. The extra rent was because the association had held the rent account open to allow Mr C to carry out the works, although he did not do so.

Mr C complained that the charges for the repairs and rent were unreasonable. Mr C said that during the pre-termination inspection no further repairs were noted. Mr C also said that, although the association had said they wrote to him to tell him of the option to carry out the repairs himself after the tenancy terminated, he never received the letter. When Mr C did see the letter, it did not mention anything about further rent charges.

We found that the association should have completed a pre-termination inspection form, which would have noted all the works that Mr C needed to carry out. The association had not done this and, in the absence of any other evidence, it was clear Mr C was not given a reasonable opportunity to carry out the works himself. We also found that, during the complaints process, the association had altered and reduced charges as Mr C disputed them. We were concerned that they had not checked the evidence available to them before issuing invoices to Mr C. We upheld this complaint and made recommendations.

We also considered it unreasonable to charge Mr C a further two weeks' rent. Regardless of whether or not the letter was received, it did not mention that Mr C would face further rent charges. Therefore, we upheld this complaint and made recommendations.

Recommendations

We recommended that the association:

- cancel the outstanding invoices;
- provide feedback to staff regarding the importance of checking evidence available before responding to complaints;
- remind staff of the pre-termination procedure and the importance of thorough record-keeping;
- cancel the additional two weeks' rent charge;
- apologise for the failings identified; and
- reflect on how to inform tenants of possible recharges and further rent charges after termination.