

SPSO decision report

Case: 201700412, Falkirk Council
Sector: local government
Subject: terminations of tenancy
Decision: not upheld, no recommendations

Summary

Mr C, who works for an advocacy and support agency, complained on behalf of his client (Miss A). Miss A had complained to the council that they should have allowed her an extension to her tenancy to allow her to clear out her belongings when she was vacating her property. She had also complained that the council did not properly charge her for the rechargeable works they carried out to clear the property after she vacated. She also complained that the council coerced her to agree to leaving her belongings and did not disclose to her how much she would be charged for the removal of her belongings.

In their response to Miss A's complaints, the council confirmed that they had extended Miss A's tenancy to allow her time to remove her belongings and that she had not made them aware of any exceptional circumstances to grant a further extension. They did not consider they had coerced Miss A to agree to leave her belongings and they believed that the works carried out to clear her property were properly incurred given the condition of the property at the time. They did, following an inspection of the invoiced works, reduce the amount due by Miss A as they identified works that she should not be responsible for. Miss A was not happy with this response and Mr C subsequently brought her complaints to us.

We established that the council had provided Miss A with an extension of two weeks to her tenancy. We did not find any record of Miss A noting any exceptional circumstances to the council at the time, indeed Miss A had communicated to the council confirming the dates by which she would remove her belongings. On this basis, we concluded that the council had provided Miss A with an extension to her tenancy and had acted reasonably in the circumstances. With respect to the rechargeable repairs carried out by the council, we saw evidence that the property was inspected and that Miss A was aware of the works she was to carry out prior to leaving. We were satisfied that photos of the property provided evidencing the condition of the property when Miss A left, together with the details of the inspection, indicated a significant amount of work needed to be undertaken to clear the property. We found that the council acted correctly in reducing their invoice following the complaint made by Miss A, but we were satisfied that the works completed were reasonable and reflective of the condition of the property. As such, we did not uphold Mr C's complaints.