

SPSO decision report

Case: 201703310, Glasgow Housing Association
Sector: housing associations
Subject: aids and adaptations
Decision: upheld, recommendations

Summary

Mr C complained that the advisory disabled parking spaces outside the multi-story flat where he lived, were repeatedly impeded by other cars that were parked inappropriately. Mr C was unhappy as he was unable to get in and out of the spaces freely and he believed that his housing association were not doing enough to ensure that they were making reasonable adjustments for his disability. He also stated that inappropriate parking was a breach of the tenancy agreement.

The association responded by stating that the spaces were only advisory and, therefore, they did not have enforcement powers due to the spaces being on land privately owned by them. They made enquiries to the council about obtaining a traffic regulation order, which would allow them to take appropriate enforcement action. They explained that this would involve a long consultation process and at a significant cost to the association and, therefore, they were still in the process of considering this matter going forward. In the meantime, they advised that residents had been lettered highlighting that the spaces in question were to be kept for blue badge holders and that people should park courteously. They also asked concierge staff to monitor the situation and ask people if they would move.

Mr C felt that the matter was still ongoing and brought his complaint to us. He was concerned that the association were not taking all the action available to them. We acknowledged that the association did not have legal powers to enforce the spaces. However, we noted that the association's litigation team had accepted that people subject to the tenancy agreement were breaching its terms by parking inappropriately, that they could be advised of this breach and that further action may be forthcoming. We found that a reasonable adjustment by the association would be to require people to move their cars and take appropriate follow-up action. Therefore, we upheld Mr C's complaint.

Recommendations