

## SPSO decision report

**Case:** 201300633, Melville Housing Association Ltd  
**Sector:** housing associations  
**Subject:** right to buy  
**Outcome:** upheld, recommendations

### Summary

Mr C was unhappy when, after he exchanged tenancies with his father, he could not exercise his entitlement to buy his home through the modernised right to buy scheme. He complained that, as a result of the information the housing association gave him, he was unaware before he exchanged tenancies that the scheme had been suspended. He also said that he did not know that this suspension was extended for another ten years after he and his father completed the exchange. This meant that Mr C could not purchase the property as he had hoped to do.

During our investigation, the association could not demonstrate that they had advised Mr C about the suspension at the time of the exchange. They showed us evidence that the extension of the suspension of the scheme was not confirmed until after the tenancies were swapped, but the leaflet provided to Mr C at the time of the exchange did not mention the suspension at all. It said that a preserved right to buy would be lost when the properties were exchanged, but that someone in Mr C's position would qualify for the modernised right to buy scheme.

We upheld Mr C's complaint because the scheme was in fact suspended at the time of the exchange, and the association could not show that they had made Mr C aware of this. This meant that their administrative procedure fell below a reasonable standard. Although we recognised that the association could not give assurances to tenants over what would happen in the future, as there was already a suspension in place we took the view that they could have alerted Mr C to the possibility of this being extended.

### Recommendations

We recommended that the association:

- apologise to Mr C for their handling of the matter;
- update all relevant staff and paperwork to reflect the existing suspension of modernised right to buy and the potential for it to be extended; and
- consider making an appropriate ex-gratia payment to Mr C in light of their administrative shortcoming in this matter.