

SPSO decision report

Case: 201401683, Port of Leith Housing Association Ltd
Sector: housing associations
Subject: right to buy
Outcome: upheld, recommendations

Summary

Miss C complained that the association delayed in processing her application to buy her home. It took seven months for them to issue her with an offer, which should have been issued within two months. In addition, as the association said they did not receive Miss C's acceptance of the offer, the process was delayed by a further three months. Miss C said she handed the initial acceptance in to the association and received a receipt. She provided a copy of the receipt but it did not specify what it was for. The association were not able to suggest what else it might have been for, and confirmed that they had since tightened up their mail logging process.

We found that the initial delay was due to the time taken to establish details of Miss C's tenancy. The association should have refused the application within one month of receipt if they disputed her right to purchase, or within two months if they considered her application to contain incorrect material information. In the absence of a refusal, they were required to issue an offer within two months of receiving the application. After this time, Miss C was entitled to serve notice on them, giving them a further month to issue their offer, after which the purchase price would be reduced by the amount of rent paid between then and the eventual issue of the offer. We saw no evidence of the association having told Miss C this, or referring her to her solicitor for information. We also found that the association should have instructed a valuation of the property within three days of receiving the application but this did not happen for almost four months. They should also have instructed a solicitor to issue the offer but it was issued by a housing officer and the association did not contact their solicitors until after the acceptance was received. We concluded that the delays in this case were unreasonable.

Recommendations

We recommended that the association:

- review their process to ensure that future right to buy applications are handled in line with the guidance;
- refund Miss C eight months' rent payments in recognition of the delay in processing her application to buy her home; and
- apologise to Miss C for the failings we identified.