

SPSO decision report

Case: 201404766, North Lanarkshire Council
Sector: local government
Subject: policy/administration
Outcome: not upheld, no recommendations

Summary

Mr C complained that the council unreasonably failed to offer his sister (Ms A) the option of succeeding their father's tenancy on his council property after he had passed away. Mr C said his sister was living with their father prior to his death and should have been allowed to inherit their father's tenancy. Mr C said the council failed to follow their procedures in relation to his sister's application for succession to tenancy. He raised a number of issues in relation to this matter, including that the council failed to carry out house visits, checks and inspections to establish where Ms A had been living prior to their father's death; and failed to consider/accept evidence provided by Ms A in support of her application.

The council's procedure on succession to tenancy stated that the authenticity of the information provided by the applicant on their application form must be checked by carrying out additional investigations/checks. However, the investigations/checks referred to by Mr C and listed in the council's procedure were not mandatory and were a list of the types of checks that could be carried out. The council provided documentary evidence which showed that they carried out several of the checks/investigations suggested. We saw no evidence that the council failed to consider the evidence provided by Ms A in support of her application. The council advised that the information provided by Ms A had been taken into account. However, they said that other evidence, which included information provided by neighbours and investigations carried out by housing staff, was considered to be stronger and more reliable. It was not our role to determine what weight should be placed on any particular evidence: that was the discretionary decision of the council.

The evidence suggested that the council followed their procedure when dealing with Ms A's succession to tenancy application. Therefore, we did not consider that the council unreasonably failed to offer Ms A the option of succeeding her father's tenancy.