

SPSO decision report

Case: 201202730, The City of Edinburgh Council
Sector: local government
Subject: statutory notices
Outcome: not upheld, recommendations

Summary

Mr C owns a tenement flat in Edinburgh but has not lived there since June 2008. He told us that at that time he arranged with the Royal Mail to re-direct his mail, contacted the council's revenues services about the change in liability for council tax and provided a forwarding address. In June 2010 he had registered with the council as a landlord, and day-to-day property matters were in the hands of a local property management company.

In February 2009, after Mr C had left the property, the council sent a notice to him and other owners under Section 24 of the City of Edinburgh District Council Confirmation Order Act 1991, telling them that repairs were needed to the property. Mr C only learned of the existence of the notice in 2012 when, in arranging a new mobile phone contract, he was told that the council had obtained an inhibition order against him because he had not paid the bill for these repairs, which were ultimately arranged by the council. Mr C was unhappy that despite telling the council that he had moved and giving them his forwarding address, he had not received contact about the repairs notice or the subsequent bill for the work.

Our investigation established that the council's property conservation section wrote three letters to Mr C at the flat, firstly to inform him of the need for the works. They then said that in light of lack of action from owners the council would arrange repairs, and then in November 2009 they said that a contractor had been instructed with a start date, and provided the duration and indicative cost of the contract. None of these letters were returned undelivered. Some five letters were sent to the flat after the works were completed, in pursuit of Mr C's share of the costs. Mr C received none of these and none were returned to the council. The council then put the matter in the hands of debt recovery agents who pursued action in the courts, culminating in the inhibition order.

We noted that Mr C had had his letters forwarded to his new address for a long period after he left the flat, and that none had been returned to the council undelivered. Our investigation found that the council had done nothing wrong and we did not uphold the complaint. We did, however, make a recommendation about making earlier contact with an absent owner's property agent.

Recommendations

We recommended that the council:

- explore whether, before the initial service of accounts for works carried out under statutory notice, a check should be made of the public record for landlord registration to establish whether a property is being let out, to establish the contact address chosen by the landlord for the day-to-day management of the property, and to ask that the landlord make contact.