

## SPSO decision report

**Case:** 201301254, The City of Edinburgh Council  
**Sector:** local government  
**Subject:** statutory notices  
**Outcome:** not upheld, recommendations

### Summary

Mr C owns a flat which he rents out. The flat is in a tenement that was the subject of a statutory notice in respect of roof repairs, served on owners in February 2007 under the provisions of The City of Edinburgh District Council Order Confirmation Act 1991. In May 2008, owners were told that in the absence of any agreement by owners to undertake the necessary works, the council had appointed a firm of surveyors to administer these. In October 2009 the surveyors told owners that the contract had been awarded, and told them the estimated costs, start date and duration. The works were carried out by October 2010. During the contract, the surveyors made regular site visits, paid out progressive instalments of the contract fee and sent a number of update newsletters to owners. Accounts for the share of the costs were sent to owners in December 2012.

Mr C had not received any of the previous correspondence, and said that he only became aware of the works when his tenant forwarded the invoice. He made information requests to the council, and complained to them. He then complained to us that the council failed to take reasonable steps to notify him of the statutory notice served on his property, and to demonstrate that they followed their own procedures when evaluating and controlling the works.

Our investigation found that the council and their agents had sent the relevant letters to Mr C's flat to let him know about the works, as they had no alternative address for him. They had also responded to Mr C's requests for information. Although he was not satisfied, the evidence we saw demonstrated that the surveyors administering the contract on behalf of the council had properly controlled and evaluated work through regular site visits, and had sought to keep all owners updated. In the light of these findings, we did not uphold the complaint as the council's actions, and those of the surveyors acting on their behalf, were reasonable. As, however, we have commented on the limitations of the council's database of owners in other complaints, we made a recommendation about this.

### Recommendations

We recommended that the council:

- update the Ombudsman on the outcome of their attempts to access the landlord registration database, for the purpose of identifying the important group of non-resident owners of properties.