

SPSO decision report

Case: 201601666, The City of Edinburgh Council
Sector: local government
Subject: statutory notices
Decision: not upheld, no recommendations

Summary

Mr C complained about the council's handling of an outstanding statutory notice which had been issued on his property prior to his purchase of the property. In particular, Mr C stated that he had been advised by solicitors acting for the council that responsibility for the debt rested with the previous owner. He also said that his solicitors had been advised that the statutory notice that was the subject of the complaint had been superseded by later statutory notices.

The evidence available demonstrated that the council and their solicitors had clearly explained that the legal position was that it is the owner of the property at the date on which the council issues its recovery accounts who is liable to meet the cost of remedial works carried out. We found no evidence that solicitors acting for the council had indicated the debt rested with the previous owner. We also found no evidence that the council had advised that the statutory notice had been superseded by a later statutory notice. Evidence available demonstrated that the work detailed in the statutory notice had started prior to the later statutory notices being issued. In view of the evidence available, we did not uphold the complaint.