

## SPSO decision report

**Case:** 201300241, The City of Edinburgh Council  
**Sector:** local government  
**Subject:** statutory notices  
**Outcome:** some upheld, recommendations

### Summary

Mr C is the non-resident owner of a flat in a block where the council also owned a flat. When Mr C bought his flat in 2006, he was aware that the council wanted to carry out repairs to the building. While Mr C agreed, the other private owners did not, and only an emergency repair was undertaken. When the council tenant then found dampness in their flat, the council inspected the block and, given the lack of previous consensus on the subject of repairs, issued a statutory repairs notice. The database they used for notifying owners was not, however, updated and so Mr C and another non-resident flat owner did not receive letters about this, either from the council or from their contract administrators. Mr C eventually became aware of the notice some two years after it was issued, and paid his share of the costs. More recently, however, after media reports alerted Mr C to concerns about the administration of statutory notice contracts, he complained. Mr C received a final reply from a senior official some months later.

We did not uphold Mr C's complaints about his requests for information about why the block of flats was selected for a statutory notice and the choice of contractor or about additional works undertaken, as we did not find that anything had gone wrong in this. We did, however, find that the council did not fully consider his complaint and review his case, as they had linked it to a similar complaint from another owner, and had not considered all the issues Mr C had raised.

### Recommendations

We recommended that the council:

- consider whether they should rebate the fee levied on Mr C for his share of the costs of the council's administration of the contract.