

SPSO decision report

Case: 201508261, The City of Edinburgh Council
Sector: local government
Subject: statutory notices
Decision: some upheld, no recommendations

Summary

Mr C complained about the council's handling of five outstanding statutory notices which had been issued in respect of his property prior to his purchase of the property. In particular, Mr C complained that the council had failed to notify his solicitor of one of the statutory notices when he was considering purchasing the property. The council apologised to Mr C that, due to an error, Mr C's solicitor had not been provided with information on this statutory notice. However, they provided evidence that full information on all the outstanding statutory notices had been provided to the previous owner and their solicitor, including the statutory notice in question. Given that the information had been provided to one of the two parties in the sale of the property, we considered that information on the statutory notice should have been available when Mr C was purchasing the property. The council's position, based on legal advice they had obtained, was that they were entitled to pursue Mr C for the debt outstanding on this statutory notice. While we upheld the complaint, given the action taken by the council to apologise to Mr C we made no further recommendations.

Mr C also complained that the council had failed to provide his solicitor with an accurate estimate of the costs of the other four outstanding statutory notices. Mr C complained that the figure given to his solicitor increased substantially in the final invoice. The council provided evidence of information that had been provided on the estimated costs of the other four outstanding statutory notices, including advice that the final cost was still being calculated. They further explained that a search of their records had provided no documentation detailing the estimate of cost suggested by Mr C. In the absence of evidence that written confirmation was provided by the council that the cost for the works would be as suggested by Mr C, we did not uphold the complaint.