

# CAMPBELTOWN TENEMENT MAINTENANCE GUIDE

## GET YOURSELVES TOGETHER

*– as a group of owners*

## GET THE FACTS

*– about your tenement  
and its state of repair*

## GET AGREEMENT

*– to get work underway*

## GET YOUR FINANCES SORTED

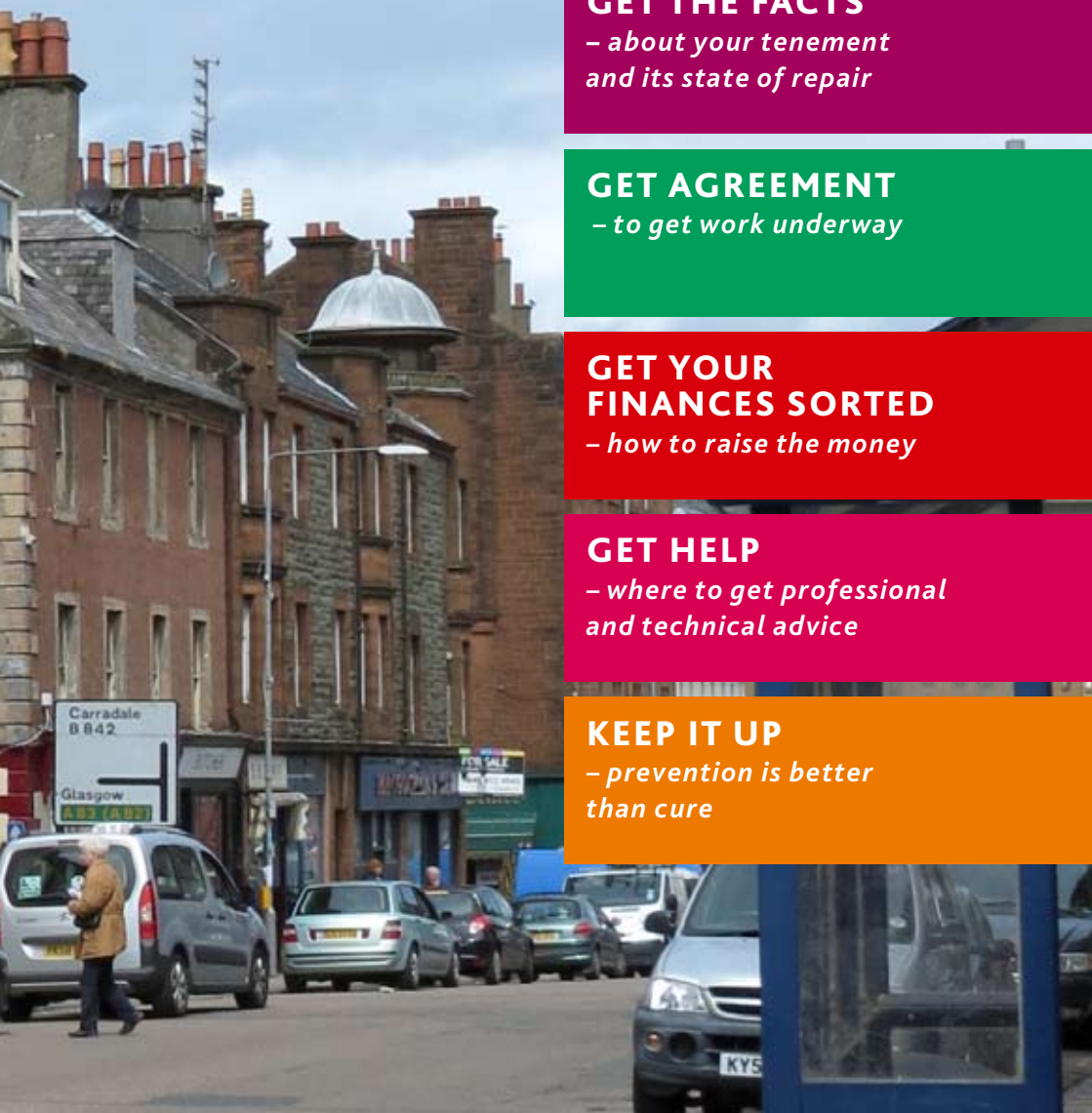
*– how to raise the money*

## GET HELP

*– where to get professional  
and technical advice*

## KEEP IT UP

*– prevention is better  
than cure*



## 60 MAIN STREET CAMPBELTOWN

*"It was not just the state of repair of this building that was letting down the street but the empty shop was a let down to passers-by."*

*By working together, the owners managed to get a common repair scheme underway. Now one of the shops has been sold and a new business has started up."*

**James Lafferty**

TOWNSCAPE HERITAGE INITIATIVE  
(THI) PROJECT OFFICER

## Five reasons to repair your tenement

1. Tenements in better repair sell faster and are worth more – especially now every potential buyer sees the Home Report.
2. You are doing your legal duty to maintain your property.
3. Minor repairs not dealt with quickly can cause further and even more expensive problems.
4. The cost of repairs tends to increase faster than inflation.
5. If stones or slates or chimneys fall and hurt people, you will be legally responsible and could be sued.

## Get yourselves together!

*"People want to buy into a good group of neighbours who can work together to resolve problems. An Owner's Association is a positive sales point."*

**Jaqueline Shaw**

LOCAL ESTATE AGENT

60 MAIN STREET  
BEFORE RENNOVATION



# Your Responsibilities

You have a legal responsibility to maintain all the parts of your tenement that provide support and shelter. You may be required to pay for the maintenance of some parts of the tenement individually. Other parts may need to be maintained jointly with other owners being involved in both decision making and payment.

## Roof, Chimneys, Gutters & Flashings

COMMON RESPONSIBILITY? **YES.**

EXCEPTIONS: Chimneys may be mutual if they only serve part of the tenement.

## Walls, Foundations & Damp Proof Courses

COMMON RESPONSIBILITY? **YES.**

## External walls from the half way point with the individual flat or close

MUTUAL RESPONSIBILITY: a gable wall shared with an adjacent building.

EXCEPTIONS. Very rare.

## Windows

COMMON RESPONSIBILITY? **VERY RARELY.**

MUTUAL RESPONSIBILITY: Close windows.

INDIVIDUAL RESPONSIBILITY: Almost always. But you may still have a duty to maintain.

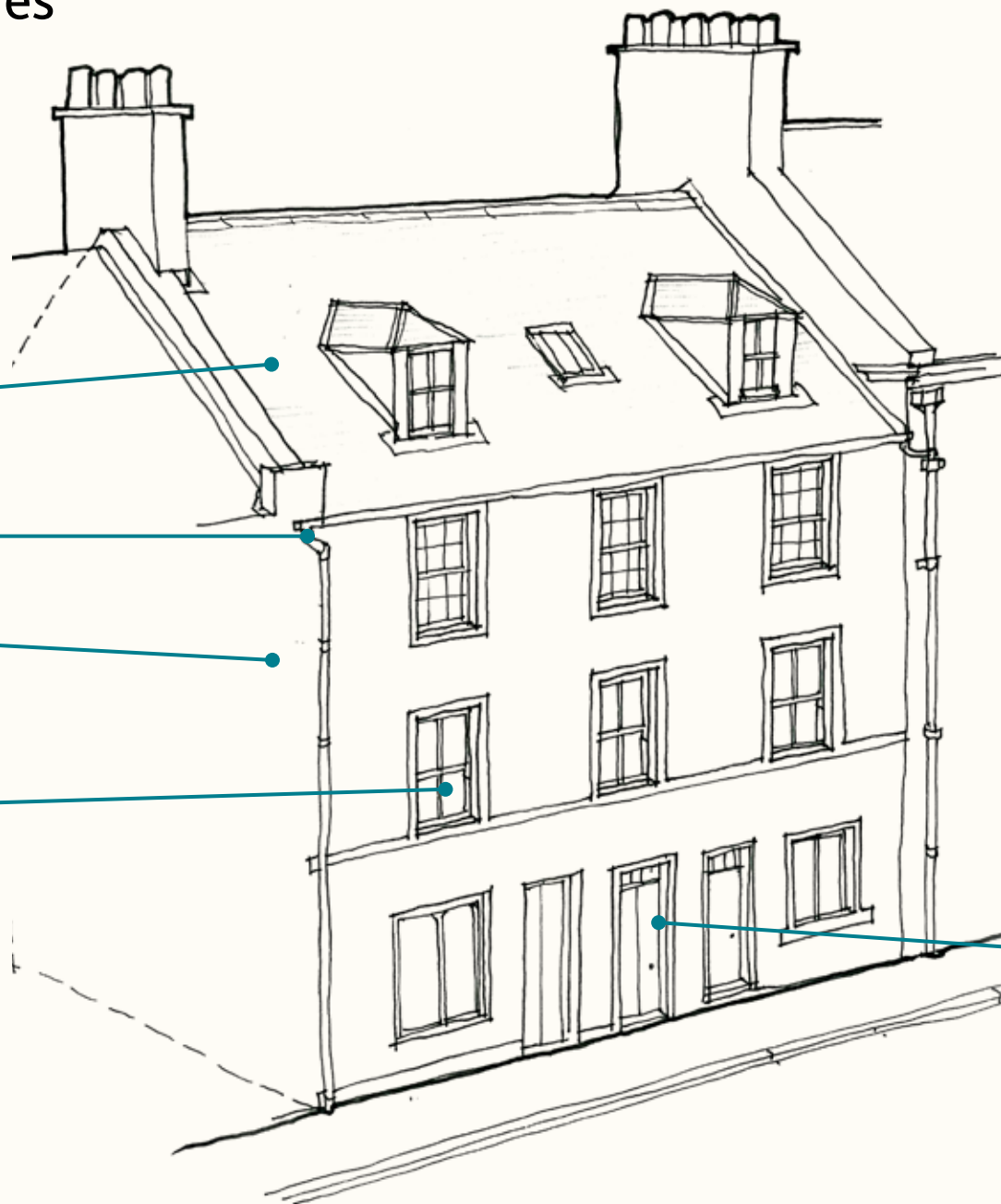
## Doors to Individual Flats

COMMON RESPONSIBILITY? **NO.**

EXCEPTIONS. Very rare.

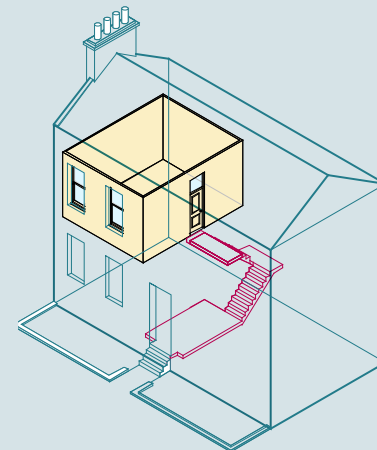
## Demolition

If demolition is required, all owners must pay their share of demolition too...



## A TENEMENT IS...

...any building divided horizontally into two or more flats.



### Individual Responsibility

Anything serving only one flat. The owner is solely responsible for carrying out and paying for repairs.

### Mutual Responsibility

Mutual property is anything used by two or more owners and should be paid for equally by all who use that part – unless your title deeds say otherwise.

### 'Common' (Scheme) Property

All the parts of the building where maintenance is paid for by all owners. **Unless title deeds say otherwise.**

## Close, Close Door, Paths & Bin Store

COMMON RESPONSIBILITY? **NO.**

MUTUAL RESPONSIBILITY? **YES.**

In the case of the close, all owners who have access to the close are responsible for all of it i.e. the owners of any flat (or shop) with a door opening onto the close, even if they don't use it.

EXCEPTIONS. Main door flats with no access to close.

# You and your neighbours

## Our neighbours are responsible for...

- Maintaining any part of the property – including the common parts- that provide support and shelter.
- Paying their share of any common maintenance where proper procedures have been followed.
- Paying their share of repair costs, even if they sell their house, as long as the decision has been made.
- Making good any damage to neighbours' flats where access has been required to allow repairs.
- Carrying building insurance to full re-instatement value.

## You have the right to...

- Arrange essential repairs and recover the costs from other owners.
- Refuse to pay for non-essential repairs you have not been informed of.
- Appeal repair decisions you did not agree to at the Sheriff Court within 28 days of being informed of decisions.
- Get access to a neighbour's house to carry out essential repairs.
- Ask other owners for proof of insurance.

## Owners decide, normally by majority vote:

- what needs to be done
- to organise surveys
- to appoint contractors to carry out work
- to appoint property managers
- to arrange common insurance
- to run a maintenance account.

## Owners association

If you form an owners' association to work together with other owners you will:

- Help manage the tenement better to the increased satisfaction of you all.
- Help reduce misunderstandings between neighbours.
- Find it easier to get common repairs done.
- Find it easier to persuade other owners to save for repairs using a maintenance account.
- If you hope to get a grant from the Council for common tenement repairs, you will need to have an owners association in place.

## How to start an owners' association

- Work with two or three willing neighbours to pick a date for a meeting.
- Invite all your neighbours – give plenty of notice.
- Agree your priorities for action.
- Ask the Council for their guidance on owners associations and adapt the model rules to suit your own needs.
- Spread the tasks around so you don't get overly dependent on one person.

You don't need all the owners to agree to get going.

## OWNERS

A common interest in maintaining the property binds together owners in different personal and financial situations.

## PRIVATE LANDLORDS

- Benefit as much as other owners from a property in good repair.
- Can have rents arrested if they default on common repairs.
- Can be located through the Council's Register of Landlords.
- If a common repair problem is affecting tenants, then the Private Rented Housing Panel may be able to act

## COMMERCIAL OWNERS

Title Deeds often say that commercial owners must pay a higher share of repair costs. Sometime, to get repairs going, you can agree on a repair-by-repair basis to share costs more equally. But if one owner sells, you can't force the new owner to abide by this agreement.

## JOINT OWNERS

If a flat is owned by more than one owner, any one of the owners can be made to pay for repairs. That owner in turn will need to get other joint owners to reimburse them.

## UNTRACEABLE OWNERS

The Registers of Scotland can help you find copy deeds for properties which will tell you who the last registered (and therefore legally responsible) owner is. A fee applies of £16 (possibly more if special services are required).

[www.ros.gov.uk](http://www.ros.gov.uk)  
0845 607 0164



# Get the facts!

Know your building – Act now before it needs major surgery.



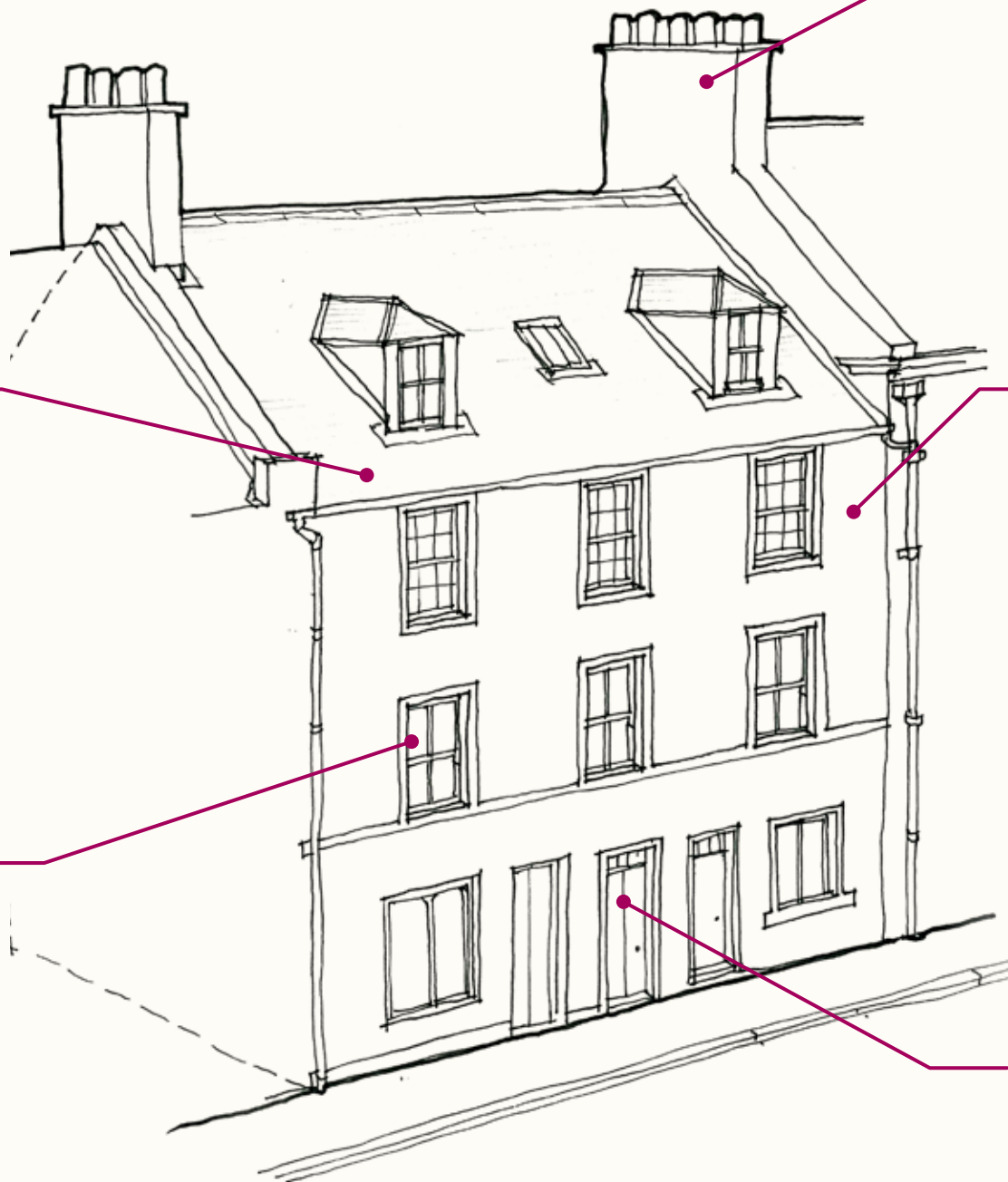
## Go outside and look up for...

- Slipped or missing slates.
- Dislodged, leaking or overflowing gutters.
- Loose brackets for gutters.
- Staining suggesting broken/blocked downpipes.



## In your flat or shop, look indoors for damp patches on ceilings

- In the middle of the ceiling? – could be a loose or broken slate or a plumbing leak.
- At the corner with an outside wall – a problem with gutters.
- At the corner by a gable wall – a problem with flashings.



## Check your chimneyheads

- They are highly exposed to weather and often damaged by flue gases.
- Cap unused flues to prevent dampness (but make sure you leave ventilation lower down).



## Check the outside walls for...

- Areas of decayed stone on external walls.
  - Gaps in the pointing between bricks or stones.
  - Cracks, especially those going across lintels above windows or snaking down the building.
  - Cracks between stairs or between stairs and walls.
  - Lintels or courses of stone off level.
  - Bulging or leaning walls.
- (These last four could indicate possible structural problems.)



## Look in the close for...

- Loose or missing balusters – children could fall through.
- Uneven steps- a hazard to users.

# A Professional Health Check

A good survey will help you identify your priorities for repair and help you plan work to save your building from costly repairs and even demolition. This document will help you with planning and budgeting – but you get what you pay for!

Get quotes for the survey from at least three architects or surveyors. Ask all those quoting for the same thing so you can make a good comparison of prices.

## You will most probably want:

- A description of the current condition of the key parts of the tenement.
- Digital photographic proof of disrepair.
- Identification of works which are essential or urgent rather than just desirable.
- An estimated cost for carrying out all the recommendations in one package of works.
- Suggested alternatives for phasing work over say the next five years, with costs, prioritising Health & Safety; reducing further expensive damage; keeping the building wind and weather tight with acceptable level of maintenance.
- A maintenance plan to ensure the building does not deteriorate further in the future.

Once you decide to go ahead with work, your next step will be to find an architect or surveyor who can help you by:

- Planning work so you get the best deal for your cash.
- Preparing specifications and tenders to find contractors experienced in the type of work you want done and get quotes for the same quality of work.
- Managing the building works and co-ordinating builders and other specialists.

## MAINTENANCE SCHEDULE

### EVERY YEAR

- ✓ gutter cleaning
- ✓ inspect and carry out minor reactive repairs to roof slates
- ✓ Check flashings on the roof
- ✓ Check harling and render
- ✓ Check chimney heads and pots
- ✓ Check TV aerials and fixings

### EVERY 2 YEARS

- ✓ Overhaul door entry systems
- ✓ Repaint doors, windows, gutters and downpipes

### EVERY 5–10 YEARS

- ✓ stair painting
- ✓ mastic around windows
- ✓ repair felt roof coverings



# Get agreement! How to deal with uncooperative owners.

Where essential repairs are concerned, the law is helpful in dealing with owners who won't play their part. But there are things that can be done before you need to resort to legal action. Working together with other owners can make the process more bearable.

- 1** Don't give them an excuse – use proper procedures to make decisions:
  - Make decisions at well attended owners meetings or
  - Contact all owners individually.
  - If you can't get owners in person, you can notify the owner or their agent/solicitor by post, fax or email.

- 2** Track down absentee owners using the Land Registers or, if the flat is rented, the Register of Landlords held by your local council. If you still can't trace the owner, you can post repair notices through their letterbox addressed to 'The Owner.'

- 3** When a majority of owners make a decision about maintenance, tell other owners immediately and give them 28 days notice to appeal to the Sheriff Court about the decision. (The Sheriff can overturn any decision he or she decides is not in the interests of all of the owners, or is unfairly prejudicial to one or more owners.)

- 4** Find a mediator – A lot of disagreements can be sorted out by a neutral party, such as a property manager or a professional mediator.

- 5** Failing mediation, the Sheriff Court is the final decision-maker on all aspects of tenement management.

- 6** You can ask the council to use their compulsory repair powers such as work notices and maintenance orders. But they may not always be able to help.

- 7** If essential repairs are the issue, such as a roof repair or other repairs to common property – do the work and charge the other owners. If they refuse to pay, take them to the Sherriff Court or Small Claims Court. See taking Legal Action.

- 8** If the owner is a landlord, ask your solicitor about arresting rents.

- 9** If an owner goes bankrupt or can't be traced, you and other owners will have to cover that person's share of the costs equally. It may be possible to recover these costs at a later date if the flat has a value or if there are any traceable assets. – seek legal advice to find out how to do this.

# Taking legal action?

Your – and your neighbours – responsibilities for carrying out maintenance are clear, thanks to the Tenements Scotland Act 2004. These responsibilities can be enforced through the Sherriff Court.

## The Duty to Maintain

There is the “duty to maintain” any part of the tenement that provides support or shelter under s8. This duty can be enforced by any owner who is directly affected and co-owners do not need to wait to get others owners to agree before they act.

## Six maintenance tasks every owner HAS to pay a share of:

- Cleaning
- Painting
- Gardening
- Routine work
- Repairs and
- ‘Incidental improvements’ such as installing a new street door, controlled entry or insulation.

Unless your title deeds say otherwise, maintenance requires only a majority of owners to agree. The minority of owners who disagree are bound by the majority vote.

## Isn't legal action costly?

**YES** – legal action is costly, especially for the loser – so it is better to avoid it if you can – but not at the expense of bigger repair bills.

If you win your case, you can ask for the other side to pay all legal costs, your loss of wages in attending the court and the cost of enforcing any order made by the court.

For smaller repairs, when you are owed under £3,000, you can use the Small Claims Court. Procedures are easier to manage here and legal representation is not necessary.

## Increase your chances of success:

- Check your grounds – the Duty to Maintain (s8 of the Tenements Act 2004); what the Tenements Act says about procedures; how the Tenements Act defines maintenance.
- Gather proof: photographs, survey reports, evidence of letters sent and procedures followed, repair bills.
- Make it clear you are serious. Get a solicitor or debt collections agency to send letters on your behalf. If you say you are going to take a specific course of action, show you are serious and do it.

## Getting your money

In many circumstances, you can “arrest” (seize) your debtor’s income to pay your costs. This includes rental income. Consider using a solicitor or debt collector to help you get your costs paid.

## Where does it say I have to...?

Your Title Deeds (and your Deeds of Condition) contain the key rules about how your tenement should be run, what are common repairs and how much each owner should pay for common repairs.

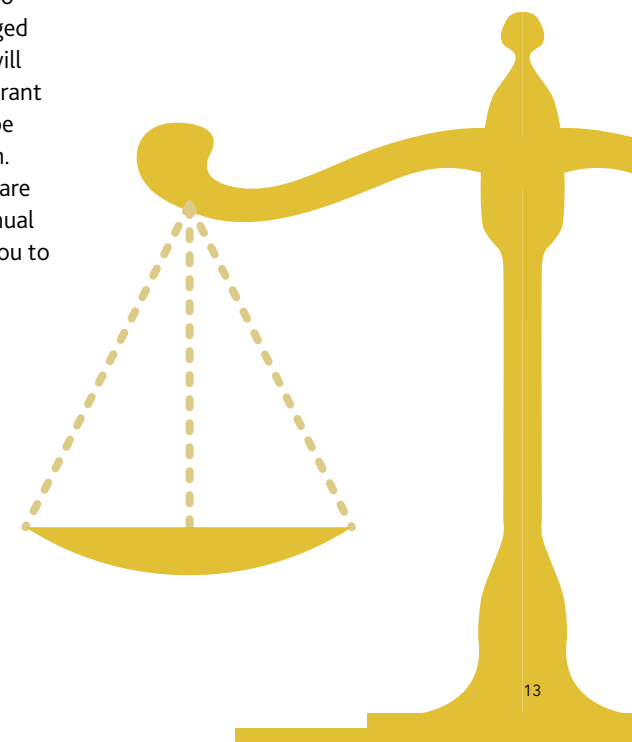
If you don’t have a copy of your title deeds, you can get them from Registers Of Scotland – a copy will cost around £15.

If there are gaps in your title deeds, or what your title deeds say are unworkable, and there are problems in working out what is common property, how much each owner should pay or how decisions should be made, then you can use the relevant parts of the Tenement Management Scheme introduced by The Tenements Scotland Act 2004

## How can the council force us to maintain our tenement?

A council can serve orders and notices which may then be enforced to require you to repair and maintain your house to a reasonable standard. You will be charged for work carried out and an admin fee will be added. Where you have been given grant to repair your building you will always be required to produce a maintenance plan. The Council may ask for proof that you are carrying out the plan. If there is a continual lack of action the council may require you to repay your grant, with interest.

**AT LEAST ONE OWNER  
IN CAMPBELTOWN HAS  
USED THE SHERIFF COURT  
TO OBTAIN PAYMENT  
FOR REPAIRS**



# Get your finances sorted

*"When it comes to selling your flat, every £1 spent on common repairs is worth at least twice the £1 spent on internal decoration."*

**Jaqueline Shaw**  
LOCAL ESTATE AGENT

## Four ways to pay for repairs

- Start saving. You can set up a maintenance account, managed by the Owners Association, that all owners pay into on a regular basis or in lump sums so there is money available to pay for regular maintenance and small repairs. You should all also be saving a few pounds every week for major repairs. At least £50 a month is good figure to consider for the maintenance account and future saving. But some tenements may need more cash saved.
- Get a loan or extend your mortgage –sometimes it is just not possible to save quickly enough to pay for a repair. Get good financial advice before you do this so that you get the best loan for you. Extending your mortgage or taking out a new mortgage can be the best value solution.

- Ask the Council if grants are available – but these are becoming less and less common.
- If you can't get a grant or a loan, phase works over a period of years
- Owners on income support or pension credit

If you take out a loan or extend your mortgage to pay for important repairs, you may get help with the interest payment on the loan. Get welfare benefits advice to see if you qualify and help you argue your case.

## Five things you should know about a maintenance account

- All owners contribute.
- Are set up to help owners make regular payments towards repairs.
- Need to be interest bearing accounts
- Need at least two signatures to withdraw cash.
- Any contribution from an owner who sells should ideally be left in the maintenance account and the house price adjusted accordingly.

# Get help!

## The Role of The Council

The regeneration of Campbeltown town centre is a joint effort between all owners, residents, businesses and public services. While the Council is not responsible for maintaining homes (you as owners are) a number of Council Departments can advise and assist you with common repairs and managing tenements.

## Argyll and Bute Council

Burnet Building  
St John Street  
Campbeltown  
PA28 6BJ

Tel: **01546 602127**

## Argyll and Bute Council, Housing Services can:

- Give advice and assistance on the repairs process.
- Assist owners set up their owners associations.
- Help identify absent owners.
- Help with grant to fund Tenement Condition Surveys.
- As a last resort the Council may serve notices requiring works to be done.

## Are there more detailed guides to tenement repairs?

Yes – there are links to these documents on the Campbeltown THI website.

[www.argyll-bute.gov.uk/CampbeltownTHI](http://www.argyll-bute.gov.uk/CampbeltownTHI)

## Common Repair Common Sense

Detailed advice on tenement law can be downloaded from Consumer Focus Scotland.

[www.consumerfocus.org.uk](http://www.consumerfocus.org.uk)



**Gillian Edwards**

HOUSING IMPROVEMENT OFFICER

**01586 559090**

Gillian is responsible for helping private home owners to keep their homes in good repair. She will be able to steer you towards all the help that is available from the Council, such as the grant towards the cost of a survey. Gillian can also help you establish your Owners Association and provide you with the Council's help leaflets. She is also able to help you co-ordinate with other council departments such as Environmental Health, Building Services and Planning.

In the very limited number of circumstances in which The Council can offer grant assistance or other help Gillian will co-ordinate the whole process.

Gillian will also check to see if houses are up to required standards, help deal with empty properties and liaise with Care and Repair to provide adaptations for older people.



***"Owners now know that we charge them the full cost of any emergency work that we carry out such as emergency repairs and demolition and that we will take legal action to recover costs if needed. Owners may not realise though that, because emergency work carried out by contractors is always more expensive, and because we then have to add admin charges, this is a much more expensive route than arranging for repairs themselves."***

**Martin Matheson**  
BUILDING STANDARDS

### Environmental Health Officers

Can help not just with public health issues such as pigeons but also with anti-social behaviour and noise. Private landlords are responsible for preventing their tenants behaving in an antisocial way in and around their homes. The Council can make the landlord take action.

### Planning officers

Planning officers give consent for repairs to listed buildings and those in conservation areas. Large repair schemes, replacing windows, painting schemes etc will very probably need consent. The planning officer will ensure that you are carrying out an appropriate repair. If you are replacing

### GUTTER CLEANING

Gutter cleaning will help prevent leaks.  
Doing it together will save you money

windows in the conservation area, you will be asked to use timber. This is mainly because they are a better long-term investment than uPVC.

### Building Standards

While it is the owners' responsibility to ensure that their building is kept in a good state of repair, Building Standards' responsibility is to protect the public by dealing with dangerous structures and ensuring buildings are properly constructed. Building Standards staff are always willing to advise owners who are concerned about stopping their building falling into a dangerous condition.

If, as a member of the public, you see anything that causes concern, such as chimneys or stonework that might fall, call Building Standards. They will visit the scene and, if owners are unwilling or unable to deal



with the problem fast enough, will make emergency repairs and recover the costs from the owners afterwards.

### Argyll & Bute Council advice leaflets (available from Housing Services)

- Grants for private homes
- Paying for Maintenance and Repair to Private Sector Houses
- A guide to finding a builder and organising works
- A guide setting up and running an Owners Association.

### Historic Scotland

See over for introduction to Historic Scotland's Inform Guides: advice on the technical aspects of conservation and repair.

### Neighbours helping each other

Working with your wider set of neighbours can help lift the value of all your properties and save you cash. In the case of the raised backcourt decks over shops, working together may be essential and unavoidable. But, by working with your neighbours in other tenements, you could:

- Co-ordinate a painting or stone cleaning scheme to make an impact and lift house values across the whole street.
- Get a contractor to give you a discounted price for cleaning all the gutters in the street.

The THI has already demonstrated that, by all owners getting together to use one builder who can bring in a large crane, a gutter cleaning programme can be cut from as much as £1000 to £200 per tenement.

## CAMPBELTOWN TOWNSCAPE HERITAGE INITIATIVE

Improving the condition and appearance of Campbeltown's town centre and helping the local economy is a Council priority. The Townscape Heritage Initiative (THI) has helped secure major restoration schemes including the Old Schoolhouse and the Royal Hotel, with more to follow, including several vacant buildings.

But tenement owners also have an important role to play in the regeneration project. Well maintained tenements show an active, prosperous town with a future.

### Campbeltown Townscape Heritage Initiative (THI)

3 Harvey's Lane, Burnside Square  
Campbeltown  
PA28 6GE

Tel: **01586 559048**

[www.argyll-bute.gov.uk/CampbeltownTHI](http://www.argyll-bute.gov.uk/CampbeltownTHI)



**James Lafferty**

TOWNSCAPE HERITAGE  
INITIATIVE PROJECT OFFICER

# Keep it up – prevention is better than cure

## ROOF & GUTTERS

- Get gutters cleaned annually
- Get the roof, chimneys and flashings looked over annually and loose slates refixed.

## DOWNPIPES AND DRAINS

- Keep cast iron rainwater goods properly painted – if they rust and leak, this could lead to dampness and rot.
- Treat blocked drains quickly – they are designed to take water away from your building.

## WALLS

- Make sure all repointing is done with lime mortar– this will help remove dampness from the structure and help preserve the stone, delaying expensive repairs.

## PREVENTING ROT

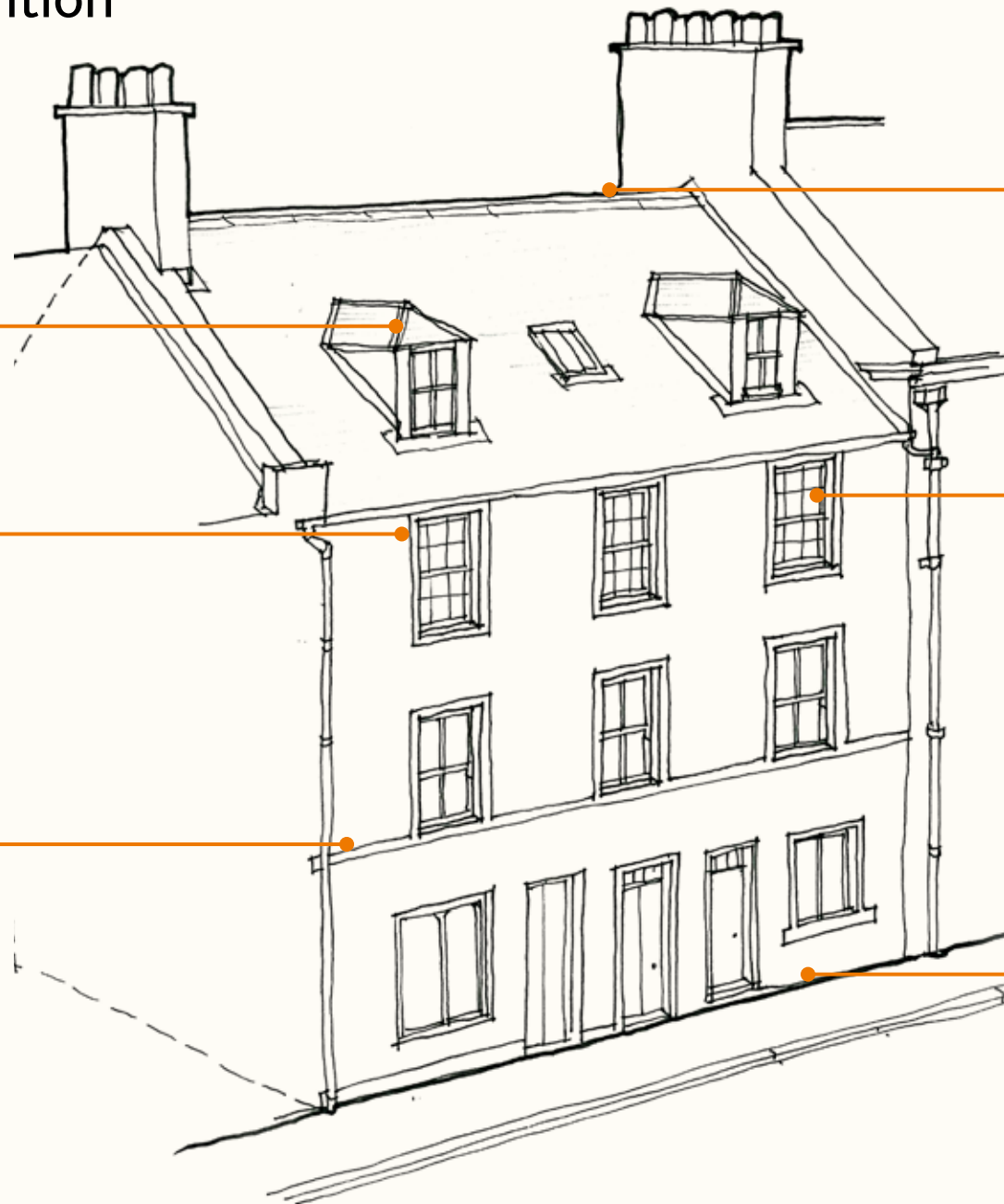
- If you get a roof leak or leak from a pipe, overflow etc. fix the leak and ventilate the area well to dry timbers quickly (much dry rot can be prevented or even cured by drying alone.) Lift floorboards etc. and use dehumidifiers if necessary.

## WINDOWS

- Paint your windows regularly – this will help preserve timber windows. Pay special attention to window sills – often the first part of the window to suffer from rot and the place where water ingress can lead to rot below.
- Replace mastic sealant around windows – it keeps out draughts and stops water penetration.
- Getting older timber windows repaired and draught proofed is often much cheaper than getting them replaced.

## AT GROUND LEVEL

- Make sure damp courses are not “bridged” by build ups of soil or rubbish at ground level.
- Make sure airbricks are not blocked. Lack of ventilation can lead to rot in timbers of the sub floor.



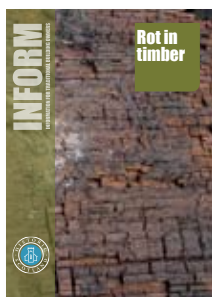
# Protect your inheritance: free advice from Historic Scotland

Historic Scotland provide a whole series of well illustrated, easy to read leaflets about the different parts of your building.

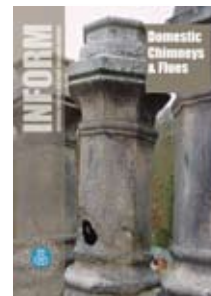
They all include good advice about "First Aid" repairs. You can download these from the Historic Scotland website at [www.historic-scotland.gov.uk](http://www.historic-scotland.gov.uk)



**MAINTAINING YOUR HOME**  
How to inspect your property and draw up a maintenance plan.



**ROT IN TIMBER**  
Guides building owners through the different types of rot and how to identify them, action which can be taken to eradicate the problem and how and why rot spreads.



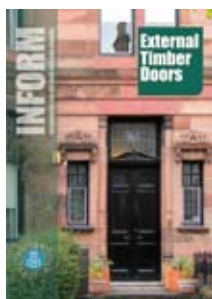
**DOMESTIC CHIMNEYS & FLUES**  
Outline the basic elements of a flue and chimney system and identify common faults, their diagnosis and the principles of how to deal with them.



**DAMP: CAUSES AND SOLUTIONS**  
Describes common causes of damp, and illustrates the best approach to help remedy problems.



**SASH & CASE WINDOWS**  
A short guide on how to maintain, repair and upgrade your windows plus information on contractors.



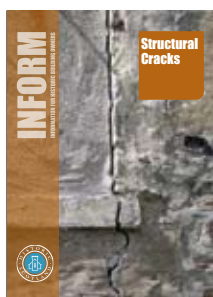
**EXTERNAL TIMBER DOORS**  
Gives a brief history of Scottish doors, explains door construction, the recognition of faults and offers direction on suitable methods of repair.



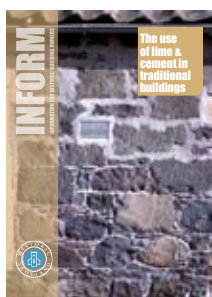
**BIRD CONTROL ON BUILDINGS**  
Examine measures which can be taken to minimise the threat birds pose to our built heritage and the ways in which they can be controlled.



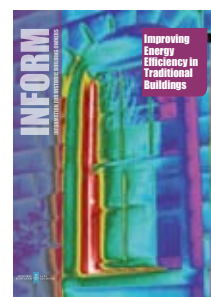
**REPAIRING SCOTTISH SLATE ROOFS**  
A guide to repairing slate roofs.



**STRUCTURAL CRACKS**  
How to recognise and diagnose various types of settlement cracks that can be found in traditionally constructed buildings.



**THE USE OF LIME & CEMENT IN TRADITIONAL BUILDINGS**  
Guide to the external use of lime and cement mortars in traditionally constructed buildings.



**IMPROVING ENERGY EFFICIENCY IN TRADITIONAL BUILDINGS**  
Basic ways to improve the thermal performance of a traditional building.



**TRADITIONAL SHOPFRONTS**  
A short guide for shop owners

## **CAMPBELTOWN TOWNSCAPE HERITAGE INITIATIVE**

This leaflet is designed to help YOU as a tenement owner with the repair and maintenance of your tenement.

**Campbeltown Townscape Heritage Initiative (THI)**

**Argyll and Bute Council**

**3 Harvey's Lane**

**Burnside Square**

**Campbeltown**

**PA28 6GE**

**01586 559048**

**[www.argyll-bute.gov.uk/CampbeltownTHI](http://www.argyll-bute.gov.uk/CampbeltownTHI)**

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