

**Because they're
worth it:
Give your tenement
a future**

Why it's worth doing

Who can help

How to do it

Rothesay Townscape Heritage Initiative

This booklet has been published by Rothesay Townscape Heritage Initiative (THI) as part of its work to restore Rothesay's architectural heritage and bring prosperity back to the town. There is more information on the Rothesay THI website (www.argyll-bute.gov.uk/RothesayTHI). The FAQs at the end of this booklet also lists more useful publications.

ROTHESAY
THI



Welcome

This booklet tells you how you can get in on the ground floor of the tenement improvement programme:

- Why it's worth repairing your tenement,
- How to go about the process and
- Who can help.

Improving Rothesay's tenements will not just restore the town's architectural heritage but help provide more comfortable and secure homes.

Improvement of the whole area will also help maintain property values. And just now, it's all coming together for Rothesay's tenements:

- Rothesay's Townscape Heritage Initiative can provide assistance and some grants.
- Recent legislation has made it far easier for tenement owners to manage their properties and get co-operation from other owners.
- The Home Report rewards those whose properties are in better repair.
- Argyll & Bute Council has new powers to help owners and enforce good maintenance.

Repairing your tenement won't always be straightforward and you may need to plan investment over several years to bring your tenement up to a good standard.

But they're worth it.

'We're here to help you and your neighbours with advice and contacts'

Lorna Pearce
PROJECT OFFICER
TOWNSCAPE HERITAGE
INITIATIVE
01700 501 374



Your Responsibilities

While you are responsible for maintaining all parts of the building that provide support and shelter, there are some parts that only certain owners need to pay for and make decisions about.

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

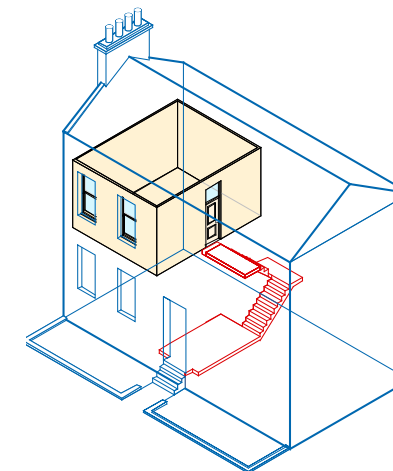
COMMON RESPONSIBILITY? **NO**

EXCEPTIONS. Very rare.



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 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.

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 lead to far more costly major repairs.
- 4 The same repair will cost more next year than this year.
- 5 You could be sued, for instance, if a slate falls off your roof and injures someone.



'Buyers are much more savvy these days – they will look at the Home Report and if they see that a flat requires essential maintenance (Category 3 repairs), they won't even view as they know there will be a mortgage retention held making it virtually impossible for them to buy.'

Fiona Cameron
PROPERTY MANAGER,
HANNAY FRASER & CO.

'In the current market where sales are very slow we are finding that any tenement which has been well maintained is still attracting attention and reasonable prices.'

Fiona Cameron
PROPERTY MANAGER,
HANNAY FRASER & CO.



A Rothesay tenement benefiting from investment.

Your tenement – cemented together by rights & responsibilities

It's not just stone and mortar that keeps the roof over your heads but legal duties that owners owe to each other.

Why work together?

It's in your interests to work on the maintenance and improvement of your tenement together.

The 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.



OWNERS DECIDE, NORMALLY BY MAJORITY VOTE:

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



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 a model constitution (set of rules) and adapt it to your 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.

PRIVATE LANDLORDS

Benefit as much as other owners from a property in good repair.
Can have rents ar-
rested if they default
on common repairs.
Need to be on the
Council's Register
of Landlords

OWNERS ON BENEFITS

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 if you are on
income support or get
the pension credit.
Get welfare benefits
advice to see if you
qualify and help you
argue your case.

COMMERCIAL OWNERS

Are still responsible
for their share of
repairs but will not
be able to apply for
grant for repairs like
residential owners,
if any is available.

JOINT OWNERS

If a flat is owned by
more than 1 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.

OWNERS

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

UNTRACEABLE OWNERS

Registers of Scotland
will be able to tell you
who owns a flat and
where they were living
when they bought
the flat. The Registers
may also be able to tell
you if they own other
property – maybe
their home address?

The professionals can help

With a team of professionals behind you, owners can deal with the complex repairs process more easily.

TOWNSCAPE HERITAGE INITIATIVE

Rothsay THI seeks to enhance the town centre for local people and visitors alike by offering grant to property owners in and around Guildford square to help repair and restore traditional elements of their buildings.

THE COUNCIL

Your council has powers to insist that you keep your tenement in a reasonable state of repair.

ESTATE AGENTS

Can help you value your property before and after you carry out repairs.

FACTORS/ PROPERTY MANAGERS

Have a good knowledge of how to maintain tenement buildings.
Will help you manage your building in exchange for a management fee.
Can be very useful where owners don't want the hassle of management or want a neutral party to deal with awkward neighbours.

ARCHITECTS & SURVEYORS

Work for the owners
Help carry out surveys
Help plan work so you get the best deal for your cash
Prepare specifications and tenders so all builders are quoting for the same quality of work
Co-ordinate builders and other specialists
Manage the building work

CONSERVATION SPECIALISTS

If you live in a listed building or a conservation area you may be obliged to use traditional materials and techniques to maintain the building. If you plan to apply for grant aid, you must employ a conservation accredited architect or surveyor to carry out a survey and prepare a report.

BUILDERS

Choose yours carefully – get competitive quotes
Make sure they are experienced in the type of work you want done.

Who

'Housing Services can provide information and advice to all private property owners on a wide range of housing issues.'

Kenny McAdam
AREA PRIVATE SECTOR OFFICER
01700 501 326



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 Sheriff 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.



Building First Aid

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.

Know your building: get a health check

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.



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 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.

GRAB A BARGAIN!

Think your tenement is in poor repair? You could find out for sure with a professional survey AND the Council will pay 75% of the cost up to £250 per owner.

So a survey costing £2,000 shared by six owners, will get £1500 grant, with owners paying just £83 each.

The survey counts as maintenance. So you only need a majority of owners to agree and the others will have to pay their share. And you won't just get the real picture, but a maintenance plan and some long-term money saving ideas.



Plan to save

Give your building a future and raise its value.

All materials will age and weather and you won't be able to completely escape having to replace or repair some parts of your building. But regular maintenance can make all parts of the building last longer and prevent problems occurring, so saving you money in the long term.

So important is regular maintenance that Councils have been given powers to force owners to prepare maintenance plans and to keep to them.

Help from your building survey

When you get the survey carried out with help from the Council, ask for photographs showing what needs to be tackled and alternative ways of dealing with the problems found eg a plan that is suitable for carrying out work with grant help (this will normally be for a one-off major scheme of repairs) AND an alternative scheme of work spread over the next few years. Get rough costs for the work so you know how much you will need to budget to spend every year.

Healthy building checklist

The table opposite shows what you should be doing to maintain your property and how often. This is only a general guide. The survey you have had carried out will help tell where you are in the life cycle of the various elements of your building.

EXAMPLE: A building of eight flats is found to need major repairs in five years time. The estimated cost is **£25,000** so you will each need to plan to save **£50** a month for the next **five years**.

Every year

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

Every 2 years

- ✓ Overhaul door entry systems
- ✓ Repaint doors, windows, gutters and downpipes (paint may last longer in less exposed places)

Every 5–10 years

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

Every 10–15 years

- ✓ pointing
- ✓ replace uPVC windows

Every 10–20 years

- ✓ renew render coatings on walls or chimneys

Every 20–30 years

- ✓ replace felt roof coverings
- ✓ major overhaul of tiling on roofs

Every 40–50 years

- ✓ replace lead roofs
- ✓ replace tiled roofs
- ✓ some work to sandstone walls and chimney heads

Every 50–100 years

- ✓ replace slated roofs
- ✓ replace cast iron gutters and downpipes
- ✓ replace cast iron railings

4 ways to pay for repairs

1. Set up a maintenance account and get all owners to pay into it on a regular basis or in lump sums so that you have the full cost of the repair in the account before work takes place.
2. 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.
3. Ask the Council if grants are available – but these are becoming less and less common.
4. Set up a building maintenance reserve fund to pay for future major repairs. All of you should make a monthly contribution. You may need to build up substantial funds. If you have a property manager, they can administer the fund.

5 things you should know about a maintenance account

1. All owners contribute
2. Are set up to help owners make regular payments towards repairs
3. Need to be interest bearing accounts
4. Need at least 2 signatures to withdraw cash
5. Any contribution from an owner who sells should be left in the maintenance account and the house price adjusted accordingly.

Frequently asked questions

Where does it say I have to...?

Your Title Deeds

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 normally cost less than £15.

The Tenements Scotland Act 2004

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 this act.

Isn't legal action costly?

Yes– legal action is costly so its better to avoid it if you can – but not at the expense of bigger repair bills.

Take legal advice first and be certain of your grounds before taking legal action. 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.

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. Where you have been given grant to repair your building you will almost always be served with a maintenance order. This will require you to get a maintenance plan professionally prepared.

The council may ask for proof that you are carrying out the plan. If there is continual lack of action, the council may step in to do the work and then charge you. The earlier you the council the better.

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 or controlled entry.

Where can I get help?

You can talk to:

- **Argyll & Bute Council Private Housing Section**
Union Street, Rothesay, PA20 0HD Tel: 01700 501326
- **Rothesay Townscape Heritage Initiative** Eaglesham House,
Mountpleasant Road, Rothesay, PA20 9HQ Tel: 01700 501358
- Estate Agents who can help you assess what your building might be worth once repaired.

You may get financial help from:

- Argyll & Bute Council Private Housing Section

You can get practical tenement management help from:

- Factors and property managers (but they will require a monthly or quarterly management fee).

Are there more detailed guides to tenement repairs?

Yes – there are links to these documents on the Rothesay THI website at www.argyll-bute.gov.uk/RothesayTHI.

Common Repair Common Sense gives detailed advice on tenement law. Available free from Consumer Focus Scotland Royal Exchange House, 100 Queen Street, Glasgow, G1 3DN Tel: 0141 226 5261

Historic Scotland. Free publications, available from Historic Scotland, Longmore House, Salisbury Place, Edinburgh, EH9 1SH Tel: 0131 668 8600. The most useful are:

- Maintaining your home: A short guide for homeowners
- Sash and Case Windows: A short guide for homeowners
- Inform Guides: Rot in timber; The Maintenance of Cast Iron Rainwater Goods, Masonry Decay and many other more detailed guides.

Argyll & Bute Council advice leaflets (available from the **Private Housing Section** – see across):

- 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

Can the Council force me to put in new timber windows or use certain materials in repairs?

If you live in a listed building or conservation area, then yes – the Council planners can indeed require you to carry out repairs using specific materials. Unless you are repairing with materials and styles that are like those first used in the building, you will need to get Listed Buildings Consent. So replacing timber sash and case windows with uPVC or using a hinged window would require listed buildings consent. While these may sometimes be more expensive materials to use initially, generally, they will pay in the long term by being more durable materials or those that work better with the materials already in the building.

I've heard that the value of my property can increase if all houses in the street are improved. Is this true?

The value of your property is determined partly by repair condition, partly by size and amenity and partly by the area it is situated in. Working with your wider set of neighbours can help lift the value of all your properties and save you cash.

With your neighbours in other tenements, you could:

- Get a builder to give you a discounted price for cleaning all the gutters in the street. The builder can make savings by maximising the use of hired access equipment and labour planning.
- Co-ordinate a painting or stone cleaning scheme to make an impact across the whole street.
- Deal with common eyesores such as back lanes and bin stores.

Why should I use timber replacement windows?

Many studies have shown that timber windows are 14 – 25% cheaper over their life cycle than uPVC windows. uPVC windows have a shorter length of life than timber windows. This is why experts recommend timber. If you have original timber windows (installed before World War II), they can often be overhauled and draught proofed. This can be cheaper than replacement. And draught-proofing is one of the cheapest and most efficient ways to save energy (and money!) in any type of building. Heavy curtains can reduce heat loss through the glass at night.

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