Under One Roof

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Scotland's only charity providing free, impartial information on repairs, maintenance, and retrofit for tenement flat owner-occupiers, landlords, and housing professionals in Scotland

underoneroof.scot

What is a Tenement?

Defined in Section 26 of Tenements (Scotland) Act 2004 as:

…a building or part of a building which comprises two or more related flats, at least two of which: are designed to be in separate ownership; and are divided from each other horizontally...

- Cottage Flat or 4 in a block
- Converted Villa
- High Rise Multi Storey Flats

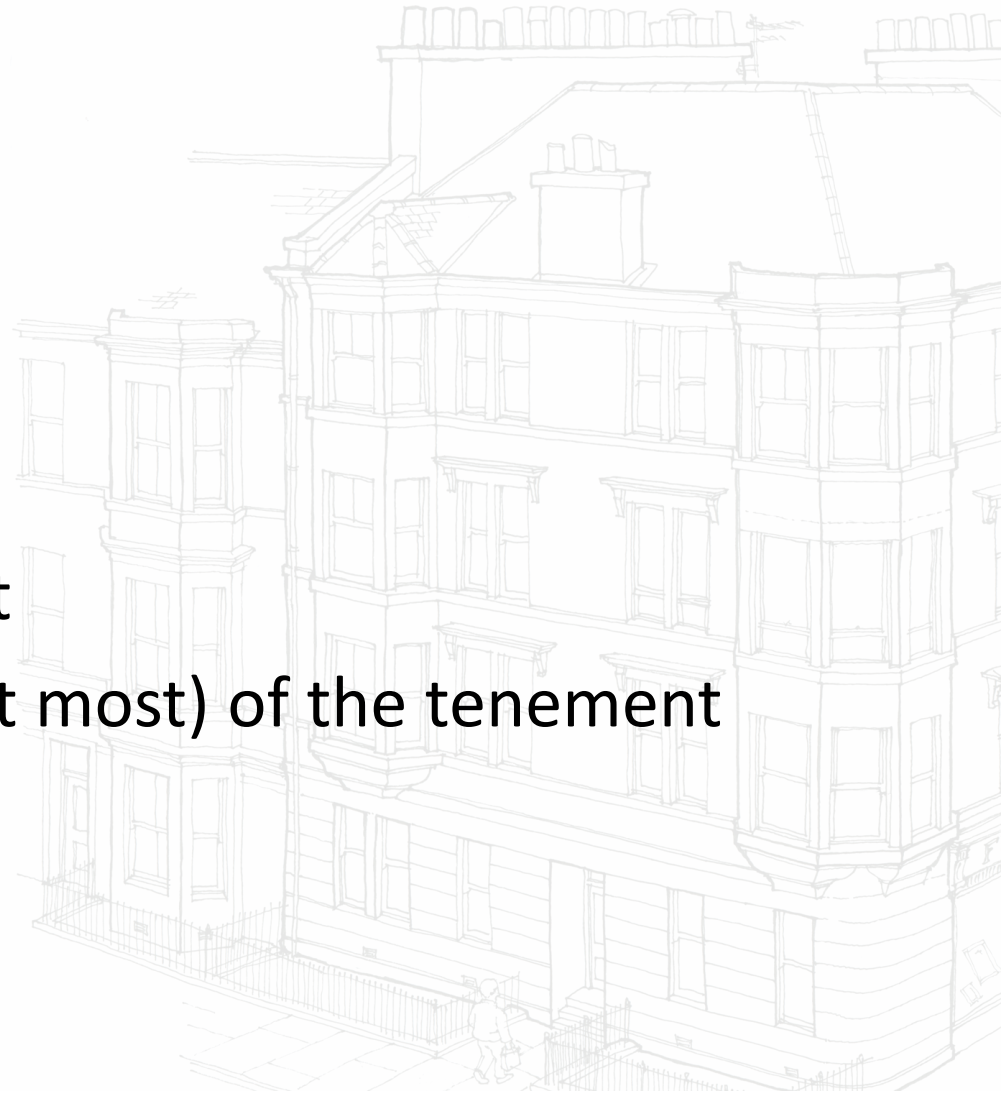
It does not cover detached, semi-detached, terraced or townhouse properties

Why is it important to maintain and look after your building?

- ✓ To know what your responsibilities are
- ✓ To be aware of the condition of the building
- ✓ To reduce reactive repairs & avoid unexpected, high bills
- ✓ To have adequate insurance
- ✓ To have regular communication with owners

What are owners responsible for

- Repairs and replacements
- Cleaning
- Painting
- Other routine works
- Gardening
- Day to Day running of the tenement
- The reinstatement of a part (but not most) of the tenement building
- Installation of insulation



Titles (Deed of Conditions)

- Which parts of the building are commonly owned, and your responsibilities for maintaining the common areas
- What elements are classified as individual and mutual responsibilities
- How to allocate/split costs of maintenance between owners

Types of Repairs

Individual

Repairs that an owner is responsible for, typically inside their flat including internal walls, doors and windows.

Common

Repairs to parts of the building that all owners as a group are responsible for maintaining, including the roof, external walls, foundations.

Mutual

Repairs to parts of the building that are shared between some owners in a building or between neighbouring buildings. Examples include chimneys, drainpipes, close and stair access.

Tenements (Scotland) Act 2004

The Tenement Management Scheme is effectively a model set of deed of conditions and can be the default position if titles are silent/unworkable in certain areas.

Lists the 'scheme property' - the parts of the tenement every owner should maintain

- Ground on which the tenement is built upon - the foundations and solum
- External walls, mutual gable walls shared with an adjoining building
- Tells you how to come to agreements about maintenance
- Explains what counts as maintenance and how costs are shared between owners
- The 2004 Act did change one major aspect of the previous common law which is the roof is now a shared responsibility – **UNLESS THE TITLES SAY OTHERWISE**

Decisions can be made by a simple majority of owners, unless the titles set a higher threshold, for example, two-third

Organising common repairs

1. Identify the repair
2. Inform owners and make decisions
3. Find contractors
4. Get competitive quotes
5. Get final agreement from all owners
6. Get payment in advance (deposit or in full)
7. Sign contract with builder
8. Work commences
9. Deal with any problems
10. Pay on completion, per the terms of the contract

Important Points

Proper Procedures

- Inform owners about repair issue and arrange meeting
- Everything must be recorded in writing - agenda, minutes, decisions etc.
- **An owner can appeal against decisions if proper procedures have not been followed**

Tracing Owners and Landlords

- Owners - Registers of Scotland - www.ros.gov.uk
- Landlords - Scottish Landlord Register – www.landlordregistrationsscotland.gov.uk
- Scottish Empty Homes Partnership - www.emptyhomespartnership.scot

Voting

- There is one vote per flat (including jointly-owned flats)
- **UNLESS TITLES SAY OTHERWISE -** majority decision is required to progress with maintenance plans and is binding on all owners
- A tied decision (e.g. 4 out of 8 owners agreeing) is not a majority decision

Enforcing Repairs

Duty to Maintain

- Powerful legal protection for parts of the building that provide support and shelter

Emergency Repairs

- Make sure the repair meets the definition of emergency

Notice of Potential Liability

- May require a solicitor to lodge with Registers of Scotland

Help from your council

- Missing Shares Scheme
- Work Notices

Legal Action

- Simple Procedure claims action at the Sheriff Court for up to £5000
- Ordinary Cause action for claims over £5000

Repairing Standard requirements

- Wind and watertight
- Structure and exterior are in a reasonable condition
- Installations are in a reasonable state of repair and working order
- Fixtures, fittings, or appliances are in a reasonable state of repair
- Furnishings can be used safely
- Satisfactory facilities for food preparation and food storage
- Common areas can be safely accessed and used
- Common doors secure and fitted with appropriate locks
- Meets the statutory Tolerable Standard

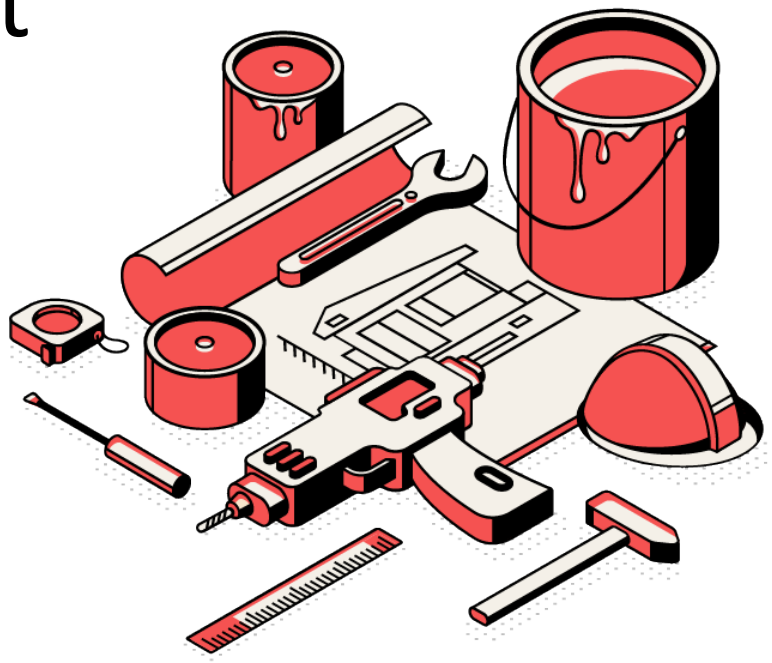
Getting Started

- Compile a list of all owners contact details and circulate
- Consider establishing an owners' association
- Check all owners have buildings insurance
- Arrange an insurance reinstatement valuation survey
- Arrange a professional building survey
- Carry out regular inspections of common areas, main doors, downpipes, etc.
- Clean gutters and get roof checked annually
- Prepare a planned maintenance schedule
- Start saving for future repairs and/or open a joint maintenance account
- If your building is factored, liaise closely with factor – site visits, regular meetings
- If your building is self-factored, consider using the Novoville Shared Repairs app

How can we help?

Informative articles on our website:
www.underoneroof.scot

Enquiry service



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Questions

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