



**Under One Roof**

# Impartial advice on repairs and maintenance for flat owners in Scotland

6

ways to keep your flat's  
value

# 6 ways to keep your flat's value

1. Know your neighbours
2. Know your responsibilities
3. Maintain your gutters
4. Get your building surveyed every 5 years
5. Get professional help
6. Save for repairs

# 1



## Know your neighbours

# Know your neighbours

- Get contact details for absentee owners or their agents
- Hold regular meetings
- Be sensitive to your neighbours' problems

# Always deal with co-owners fairly

- Use proper procedures
  - Check your title deeds and the Tenement Management Scheme
  - Keep a diary of events and a file of letters

# Work with your factor if you have one

- Speak to owners who don't respond to factor's letters
- Tell these owners how important the repair is and where they can get financial and legal advice
- Tell your factor about changes in ownership etc



# Work with non-paying owners

- Don't let decay spread because one owner won't co-operate –it will cost you ALL more in the long run if you don't
- Follow proper procedures and the law is on your side

# Have good leadership

- Be pro-active not reactive
- Take a “stitch in time” approach
- Work with your Property Factor /Manager
- Set up an Owners Association

# Discuss future maintenance plans with your neighbours



# 2



**Know your responsibilities**

# Know your rights and responsibilities

- These are set out in
  - your Title Deeds
  - Tenement Management Scheme (TMS) (Tenements Scotland Act 2004)

# The Tenements Act 2004

- The Tenements Act steps in where Title Deeds
  - say nothing
  - are unworkable
- Otherwise, go by your Title Deeds

# Some rules apply regardless of Titles

- Duty to maintain
- Compulsory buildings insurance
- Owners remain responsible for repairs started even if they sell
- Properly made decisions are binding on those who didn't agree
- Dispute resolution by Sheriff

# “Duty to maintain”

## s8 Tenements Act Scotland 2006

- Owners have a duty to maintain their property so as to provide support and shelter
- One owner can carry out appropriate repairs and recover costs from others, even if no majority agreement.



# Carry good insurance

- Common Parts Buildings insurance – a **legal obligation** under the Tenements Act
- Consider having a single block insurance policy

# What is maintenance?

- repairs and replacement,
- cleaning,
- painting,
- other routine works,
- gardening,
- the day to day running of a tenement and
- the reinstatement of a part (but not most) of the tenement building.

**\*\* unless Title Deeds say otherwise\*\***

# Common Repairs

## **‘Common’ (Scheme) Property**

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

# Mutual repairs

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

# Common Repairs (TMS)

Building element	Exceptions
Roof, gutters, flashings	Dormer windows if added later or nothing in Deeds
Walls, foundations, DPCs	Common to the halfway point
Ground under the tenement	
Structural parts – beams, load bearing walls	

**Always check your title deeds**

# Mutual Repairs (TMS)

Building element	Exceptions
Chimneys	
Gutters and downpipes	
Close and stairs	Anyone who has access to stairs pays for maintenance to all – even if they don't use them
Gable (cross)walls	End gable
<b>Always check your title deeds</b>	

# Individual Repairs (TMS)

Building element	Exceptions
Internal walls	Duty to Maintain
Doors, windows, skylights serving only one flat	Duty to Maintain
Chimney flue serving only one flat	
Services from where they branch from common supply	
Front gardens	
<b>Always check your title deeds</b>	

3

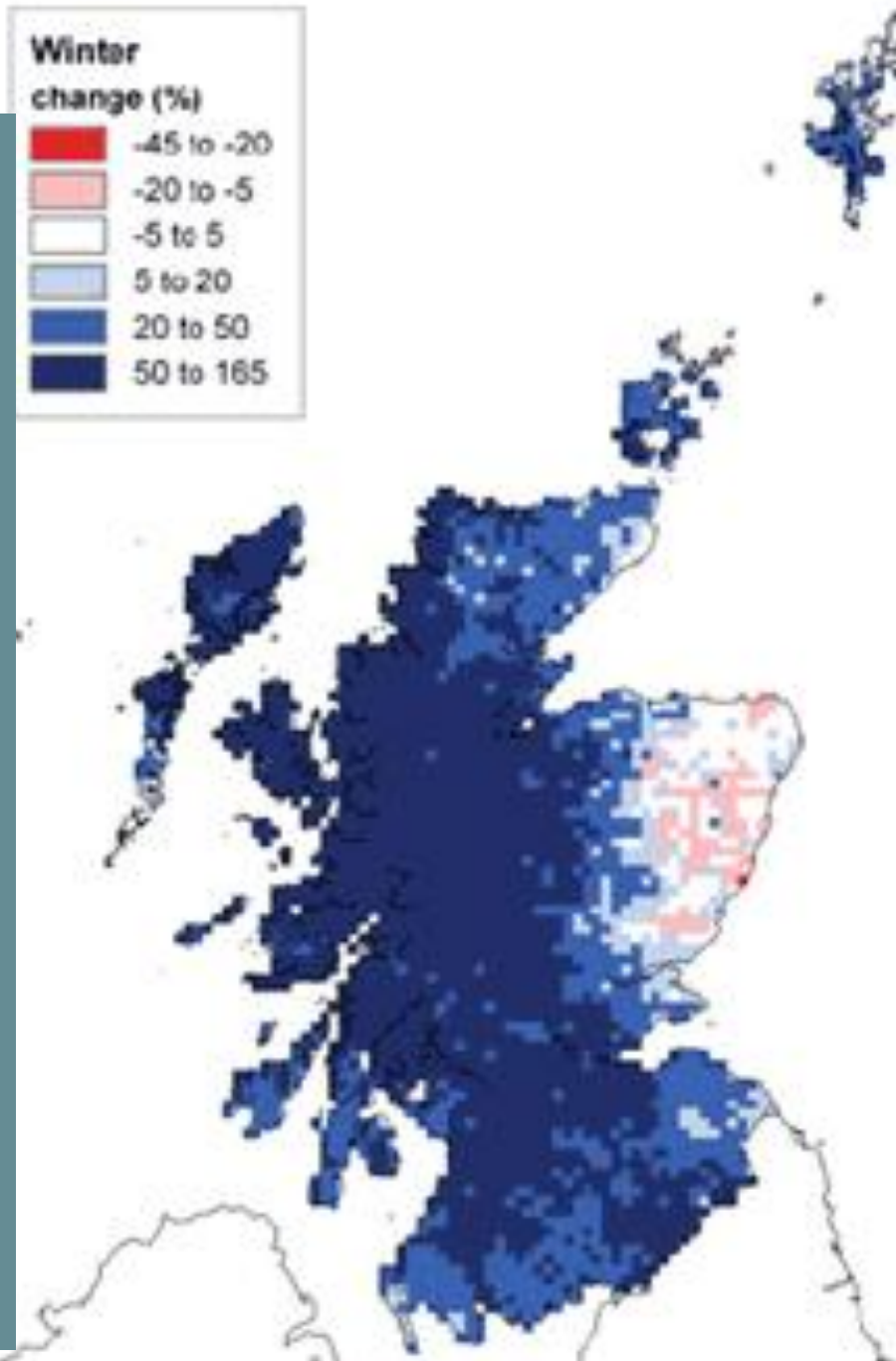
Maintain your gutters



# Gutters protect your building

- Gutters keep walls dry
- Damp walls lead to rot in timbers
- These timbers are part of your buildings structure
- Damp also decays stone – an expensive problem to fix
- Climate change means there is more rain now

# Rainfall increase in Scotland 1961 - 2004



# Stains below gutters are a sure sign of problems



# Look for plant growth blocking gutters



# Sometimes you can't see the blockage from below





# Hidden gutters give no warning of problems



# Blockages in central valley gutters lead to damp in the middle of the building

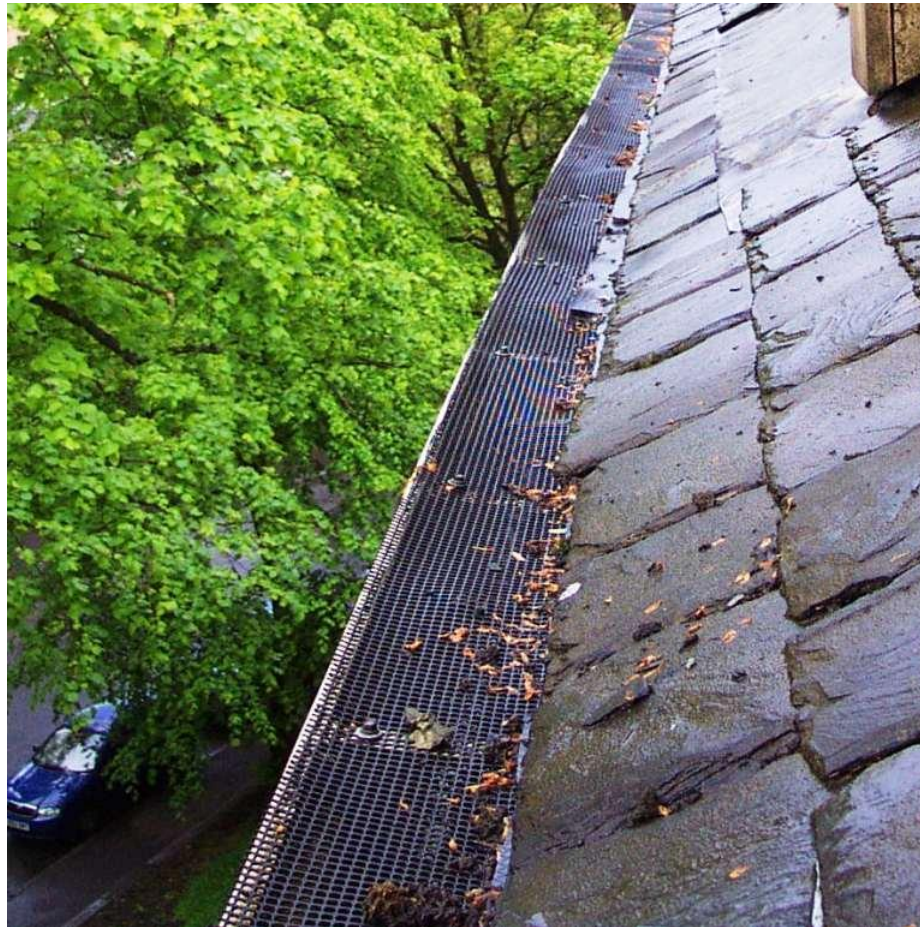


# Get your gutters cleaned every 1 -2 years





# Fit a leaf guard if trees are nearby



A good roof repair undermined by a weedy gutter.



# 4



Get your building surveyed every 5  
years

# Get your building surveyed every 5 years

- Get quotes from chartered building surveyors and architects
- Ask for a survey and costed maintenance plan for next 5 – 10 years
- This is a valid property management cost – all owners should pay a share

# Have a Maintenance Plan

- Preferably professionally drawn up
- Pinpoints the most urgent repairs
- Sets an action plan
- Helps with financial planning
- Will help sell your home

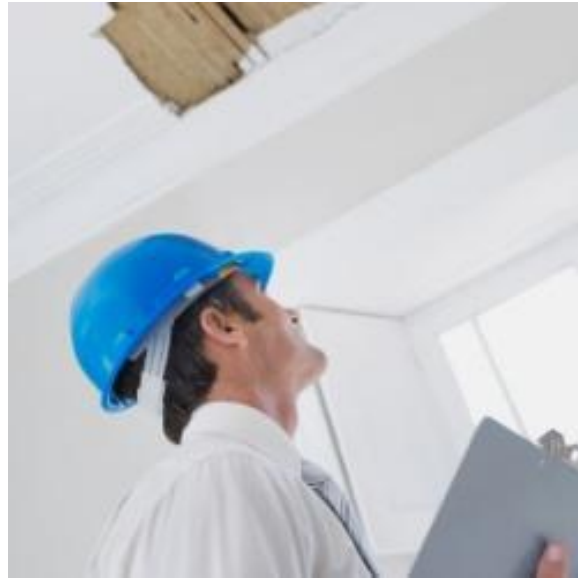


## Check your building

A neighbour's window and a pair of binocs is useful.



# 5



## Get professional help



# Why get help?

- Your building is a complicated structure
- Professionals help you plan investment and avoid “buy cheap buy twice” situations
- You have a responsibility to make sure repairs are completed safely



# Professional help

- Architects
- Surveyors
- Structural Engineers
- Solicitors
- Factors and Property Managers

# Technical professionals can

- Inspect buildings and draw up maintenance plans
- Help you get a reliable contractor
- Deal with problems with the work
- Deal with health & safety responsibilities

# Property Managers and Factors can

- Help with dealing with neighbours
- Help you get a reliable contractor
- Deal with problems with the work
- Manage insurance etc

Now regulated by the Property Factors Act 2011,  
they can be a real ally for better management

# 6



Save for repairs

# Why save?

- Repairs are inevitable.
- Make financial plans so repairs don't get worse through delays
- Regular savings with a credit union may help you get a loan to pay for repairs you haven't managed to save enough for

# How to save

- Best – have a Building Reserve Fund where savings
- Second best - have a building maintenance fund set up through your owners association
- If all else fails, save individually

# Building Reserve Fund

- Good for maintenance planning
- Helps spread the burden between generations of owners
- Funds “go with the flat”
- Written into title deeds
- Compulsory in Ireland!

# Building Maintenance Fund

- Good for speeding repairs process
- Set up by owners association
- Treasurers Account at bank
- Requires two signatures to withdraw funds
- Goes with the owner
- If they sell, they can get their money back



More information from  
[UnderOneRoof.scot](http://UnderOneRoof.scot)