



Under One Roof

Impartial advice on repairs and maintenance for flat owners in Scotland

Making decisions about managing and maintaining your flat

Making decisions about managing and maintaining your flat

1. What rules apply to your flats?
2. Voting
3. How many votes do you need
4. Who can vote?
5. Common, mutual and individual repairs

1

What rules apply to your flats?

What rules apply to your flats?

- These are set out in
 - your Title Deeds
 - Tenement Management Scheme (TMS) (Tenements Scotland Act 2004)
- The Tenements Act steps in where Title Deeds
 - say nothing
 - are unworkable (eg shares don't add to 100%)

Some rules apply regardless of Titles

- Properly made decisions are binding on those who didn't agree
- Dispute resolution by Sheriff

2

Voting

Normal decision making procedures

- A majority decision is binding on those who didn't agree EXCEPT in the case of improvements
- 1 vote per flat affected
- Hold a meeting or contact each owner individually
- Notify those who were not there quickly
- Wait 28 days in case anyone appeals

**** but check your own Title Deeds****

Appealing against decisions

- Any owner who did not vote for the decision can appeal to the Sheriff Court if they think decision is
 - not in best interests of owners as a group
 - unfairly prejudicial to one or more owners
- Appeal within 28 days of being notified

3

How many votes do you need?

How many people need to agree?

- Maintenance decisions are MAJORITY decisions.
- Improvements etc need 100% agreement of owners.

** unless your Title Deeds say otherwise**

Decisions made by majority vote

- Maintenance
- Installing door entry systems
- Appointing or changing factors/managers
- How to manage repairs
- Advance payments / maintenance accounts

**** unless your Title Deeds say otherwise****

What is maintenance?

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

** unless your Title Deeds say otherwise**

What are improvements?

- Anything new – eg a communal aerial where you don't already have one
- Exceptions – NOT improvements
 - Door entry systems
 - “Incidental improvement” – where you replace with something better – a better front door or a gutter with increased capacity to cope with higher rainfall

What is a majority?

- Five out of eight is a majority
- Four out of eight is **not** a majority
- But check what your Title Deeds say

4

Who can vote?

Who can vote?

- Common Repairs – all owners
- Mutual Repairs – only those owners affected
- Main door flat owners can vote on decisions about the common stair if they have access to it (even if they don't use that access)
- Joint owners of a flat have 1 vote

** unless your Title Deeds say otherwise**

5

Common, Mutual and Individual Repairs

Common Repairs

'Common' (Scheme) Property

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

- 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.

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

Always check your title deeds

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	
Always check your title deeds	

More information from UnderOneRoof.scot

You need internet access to follow these links

More about [Making Decisions](#)

[Maintenance and improvements](#)

[Common repairs](#)

[Mutual repairs](#)

[Individual repairs](#)

More information from UnderOneRoof.scot

You need internet access to follow these links

More about [Property Factors](#)

The [Code of Practice](#)

[Home Owners Housing Panel](#)

[Self-factoring](#)