# Your Tenement Rules Checklist

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| **Write here what is in your title deeds. This is what applies to your building.** | **If there is nothing in your title deeds or it is not workable, then the following rules from the Tenements (Scotland) Act 2004 apply.** |
| Common Responsibility Elements |
|  | Ground on which your tenement is built (but not the back court or front garden); |
|  | Foundations; |
|  | External walls; |
|  | Roof, including the rafters etc |
|  | The part of a gable wall that is part of the tenement building;  |
|  | Any wall, beam or column that is load-bearing. |
|  | Something else particular to your building |
| **Mutual Responsibility Elements** |
|  | Close or stair,  |
|  | Drainpipes serving flats on one side of the building only  |
|  | Any other parts of the tenement that your title deeds say must be maintained by two or more owners (perhaps garden ground). |
|  | Something else particular to your building |
| Individual Responsibility Elements |
|  | Parts serving only one flat – doors, windows, skylights, vents or other openings. |
|  | Any chimney or flue serving only one flat. |
|  | Any extension that serving only one flat. |
|  | Something else particular to your building |
| Main door flats, shops etc with no access to stair |
|  | Owners will not be responsible for cleaning or repainting the stairs. |
| Decisions that must be taken by all owners |
|  | Common repairs (but not improvements or alterations or demolition). |
|  | Commissioning building maintenance surveys. |
|  | Appointing or dismissing a property manager. |
|  | Authorising a manager or factor to carry out inspections and arrange maintenance up to a particular cost. |
|  | Arranging a common insurance policy for your building. |
|  | Letting an owner off paying their share of costs. |
|  | Authorising any common repairs already carried out by one owner.  |
|  | Installing a door-entry system. |
|  | Changing or cancelling any previous decision. |
| How decisions should be made |
|  | Decisions made by majority vote. |
|  | An owner can appoint someone else to make decisions on their behalf. |
|  | A properly made decision is binding on all owners (but there may be some exceptions). |
|  | Decisions can be made either at a meeting called with 48 hours notice **or** by taking a poll of all the individual owners that can practically be contacted. |
|  | Giving proper notice to owners. |
|  | What happens if owners do not agree with a decision. |
| Paying for repairs |
|  | Owners pay equal shares of common repairs where flats are of similar sizes |
|  | Where the largest flat is more than 1.5 times the floor area of the smaller, shares are proportional to the floor area of flats |
|  | Owners pay equal shares of mutual repairs costs  |
|  | Owners are responsible for paying their share of cost of repairs where a decision was made while they were owners. |
|  | Any provisions for keeping accounts |
| **Management Costs shared by all owners** |
|  | Maintenance Inspections |
|  | Paying the property manager |
|  | Common running costs (eg stair lighting, cleaning) |
|  | Management fees and costs |
|  | Common insurance premiums; |
|  | Any other costs relating to the management of scheme property |
| Practical issues |
|  | Allowing access to flats to allow work or surveys to take place |
|  | “Servitudes” rights of access over specific parts of the building or grounds etc. |