



Common Repairs Policy – easy to read version

This explains how we handle repairs to shared parts of buildings where council tenants and private owners live. It uses plain language to help everyone understand their rights and obligations.

Repairs for owners

If you own your home, you are responsible for all repairs to the inside and outside of your home. This includes paying a percentage of the cost of any common repairs.

What is a common repair?

It is work done to common (shared) parts of a building. It means repairs to shared areas of the building your home is in or the land it is on. Examples include repairs to:

- shared roofs
- shared stairs
- shared garden areas
- shared walls

If you live in a building with shared areas, you may need to help pay for repairs.

What does the Common Repairs Policy cover?

The policy explains how we manage repairs and maintenance to buildings where both homeowners and the Council share responsibility. We have the same legal obligations as other owners. We can lead on common repair works, but any owner can take the lead.

Who does the policy apply to?

It applies to people living in buildings with a mix of owners and tenants, where the Council owns at least one flat.

What are the objectives and principles of the policy?

Our objectives are to:

- explain what the Council and homeowners are responsible for;
- give clear guidance on how common repairs are managed and charged;
- explain how owners are charged for common repairs;
- explain how owners pay;
- explain what happens if owners don't pay; and
- follow the law and good practice.

Our principles are:

- tenants and others are consulted on the policy;
- the service is improved based on feedback;
- communication is clear and easy to understand;
- staff are properly trained; and
- procedures are consistent across the service.

What legal framework applies to the policy?

- Housing (Scotland) Act 2001(Section 27 and Schedule 4) and the Scottish Secure Tenants (Right to Repair) Regulations 2002. These say that we must include basic repair responsibilities in Scottish Secure Tenancy Agreements.
- The [Tenement \(Scotland\) Act 2004](#) (Section 26 of) defines a “tenement” as a building with two or more flats that are owned separately. This includes:
 - high-rise flats;
 - modern apartment blocks;
 - four-in-a-block or cottage flats;
 - flats above shops;
 - large houses converted into flats; and
 - traditional sandstone or granite buildings, usually of 3 or 4 storeys.In these buildings, all owners share responsibility for repairs to things like the roof, stairs, garden, and outside walls.

What do title deeds say?

Rules detailing owners' specific responsibilities for the upkeep, management and maintenance are normally found in the title deeds.

The Council’s title deeds state who is responsible for paying for shared repairs. However, the title deeds don’t explain how decisions about these repairs should be made.

If the title deeds don’t say how decisions should be made, or if different owners have conflicting information in their deeds, we will use the **Tenement Management Scheme (TMS)** rules. These are set out in the [Tenement \(Scotland\) Act 2004](#) and they help owners agree on repairs and maintenance.

Title deeds usually don’t mention improvements to the building. The policy explains how we will handle improvement work.

What’s the difference between maintenance, repair, and improvement?

Maintenance means regular work to keep a building in good condition and stop it from getting worse. Examples include:

- Cleaning out gutters
- Repainting shared areas
- Servicing lifts or entry systems

Repair means fixing something that’s broken or damaged. Examples include:

- Fixing a leaking roof
- Replacing broken gutters
- Repairing damaged windows or stonework

Improvement means making something better than it was before or adding new features. Examples include:

- Installing double glazing where there wasn’t any before.

How do you work with owners?

We try to support owners with common repairs. We will:

- make sure that communication (phone calls, email and letters) is clear and easy to understand.
- give owners the chance to ask questions and give clear answers.

What does the Council do?

In buildings with both council and private flats, the Council often takes the lead in organising repairs. If the Council owns a flat in the building, we can:

- work with owners on any common repairs or improvements.
- contact owners and explain what work is needed.
- try to get agreement before doing any work.

Please note:

- Under the Tenements (Scotland) Act 2004, common repairs can go ahead if most owners agree and those disagree have had the chance to appeal.
- For improvements, all owners must agree before works start.
- Each owner will get a bill for their share of the costs.

What is the Tenement Management Scheme?

If the title deeds don't explain how decisions should be made, the TMS is used. It sets out the rules for how owners should make decisions about maintaining and repairing shared parts of the building.

What is scheme property?

"Scheme property" means the parts of the building that all owners are responsible for.

This includes:

- Anything the title deeds say is shared by two or more owners.
- Areas used by all flats that the deeds say must be maintained by more than one owner.
- The ground the building stands on.
- Outside walls and foundations.
- The roof and anything supporting it.
- The gable wall (side wall) if it is part of the building.
- Any wall, beam, or column that holds up the building.

What parts are only some owners responsible for?

Some parts are not shared, so only certain owners are responsible. For example:

If it only serves one flat, the owner is responsible for:

- Doors, windows, skylights, vents
- Chimney stacks or flues
- Extensions

If only some flats use it, the owners who use it are responsible for:

- Drainpipes serving one side of the flat

- Any part used by some flats that the deeds say must be maintained by more than one owner.

What are scheme decisions?

Scheme decisions are choices made by owners using the **Tenement Management Scheme (TMS)** rules. These decisions can include:

- doing maintenance work like cleaning, painting, gardening, repairs, or replacements;
- giving a manager permission to inspect the building or arrange maintenance;
- organising inspections to check if work is needed;
- getting insurance for shared areas;
- approving maintenance work already done by an owner;
- installing things like a new door entry system;
- letting an owner off from paying their share of costs; and
- changing or cancelling a previous decision.

How are scheme decisions made?

Each flat gets one vote. A decision goes ahead if **most owners agree**, including the Council if we own a flat.

When we want to do common repairs or maintenance works, we will:

- Check the title deeds to see who pays for what;
- Write to owners with details of the work, legal responsibilities, estimated costs, and who to contact; and
- Follow the TMS voting process, giving owners **28 days** to return their voting slips.

For bigger or more complex repairs, we may hold a public meeting and give at least 48 hours' notice.

What happens after the vote?

We will:

- contact any owner who hasn't voted and try to get their decision; and
- send the result of the vote to all owners within five working days.

If everyone agrees:

Owners will be told:

- what the decision is;
- their legal responsibilities;
- what repairs will be done;
- their share of the cost; and
- the contractor's name and contact details, plus a Council contact.

If most owners agree:

Owners will be updated and told they can **appeal**.

- any owner who disagrees or who bought their flat after the decision was made can appeal to the Sheriff Court within 28 days;
- work won't start until the 28-day appeal period is over;
- if no appeals are made, the work will go ahead; and

- if someone appeals, we will follow the court's decision.

If 50% or more disagree:

- the work won't go ahead;
- we will write to all owners with the result; and
- the decision may be reviewed in future.

What happens in an emergency?

Emergency work is urgent and needs to be done straight away to stop damage or protect health and safety — for example, fixing a broken roof tile that's dangerous or letting in water. We will:

- do the emergency repair immediately; and
- write to owners to explain their share of the cost.

Who pays for common repairs?

Everyone who uses the shared parts of the building must pay their share of the costs.

How much you pay depends on:

- what your title deeds say the size of your property
- if your title deeds don't explain it clearly, the **Tenement Management Scheme (TMS)** rules will be used.

What happens if you want to do improvement work?

If the Council wants to make improvements (not just repairs), every owner in the building must agree before the work can go ahead.

We will:

- arrange a meeting with owners before any improvement work starts; and
- explain what work is planned, how much it will cost, and how long it will take.

How do I pay for repairs?

- We will send you a bill after the work is finished.
- If you can't pay all at once, you can ask for a payment plan.
- If the bill isn't paid, we may place a legal notice on your property until it is.

Can the Council help?

We offer support through our Scheme of Assistance, which includes:

- Practical help
- Advice and guidance

You can also visit the [Under One Roof website](https://underoneroof.scot/) (https://underoneroof.scot/) for independent advice.

What if I don't agree with a decision?

If your title deeds don't include a way to appeal:

- You can ask the Housing Asset Manager to review the decision.
- If you're still unhappy, you can contact the Service Manager for Property, Estates and Assets.

If the decision was made under the TMS, you can:

- Appeal to the Sheriff Court within 28 days of being told about the decision.

Important:

- Repairs won't start until the 28-day appeal period is over.
- If the court overturns the decision, the work won't go ahead.