



Environmental Services Department

Building Standards,
Development Services,
High Street,
Elgin, Moray, IV30 1BX
Telephone (01343) 563243
Fax: (01343) 563263

For Official Use Only
Ref.
No.....
Date
Valid.....

Application for Letter of Comfort

Applicant's Name and Address

Solicitor's/Agent's Name and Address
(only if acting on your behalf)

.....
.....
.....

.....
.....
.....

Post Code

Post Code

Telephone

Telephone

Address of Property

Contact Name and Telephone No. (Day) to arrange entry

I/We hereby apply for a:

Property Inspection

Confirmation of Completion

(see notes 4 & 5 over)

Property Inspection

The following works were carried out, as far as can be ascertained, without Building Warrant Approval.

.....
.....
..... Approx. date works carried out

OR

Confirmation of Completion

Building Warrant Reference Number(s) and Date(s)

I/We have read the notes overleaf and hereby apply for a Letter of Comfort.

Signed:

Date:

Notes for Guidance

1. The fee for a Letter of Comfort is £600 for a Property Inspection or £400 for a Confirmation of Completion. This fee must be submitted with your application and cheques should be made payable to "The Moray Council". No inspection will be undertaken until the fee is received.
2. The service is limited to a maximum of two inspections. A further fee of £95.00 is charged for each additional inspection. It is therefore important that any works identified on the first visit, as requiring rectification, are correctly remedied. Also, an appropriate Certificate of Electrical Compliance is required if the application involved any electrical work.
3. The term Letter of Comfort has been adopted by the Legal profession when referring to a letter providing confirmation by a local authority that no enforcement action will take place in particular circumstances. The issue of a Letter of Comfort will be considered where works have been undertaken without Building Warrant approval or where a Certificate of Completion has not been obtained in respect of a Building Warrant granted more than three years ago. These are known as "Property Inspection" and "Confirmation of Completion" respectively.
4. **Property Inspection** (no Building Warrant obtained)

Acceptance of such works will only be considered where:

- no health and safety risk to the building occupants is involved,
- major Building Regulations have been complied with to the satisfaction of the Building Standards Officer,
- work was carried out more than 10 years prior to the application being made,
- there is no outstanding application for Building Warrant in respect of the property,
- there are no outstanding formal proceedings under Section 10 of the Building (Scotland) Act 2003.

The Building Standards Officer will then carry out a non-disruptive inspection of the work to ensure that the above criteria has been met prior to issuing the Letter of Comfort.

In extreme cases it may be necessary to expose certain areas for a more detailed inspection, however where this is not the case no responsibility for the condition of any concealed elements of structure can be accepted. You should also note that on occasion remedial works may be required prior to final acceptance and failure to initiate these works can result in enforcement proceedings being instigated.

5. **Confirmation of Completion** (no Certificate of Completion obtained)

A Certificate of Completion can only be issued during the lifetime of your Building Warrant (normally 3 years unless an extension to this period has been formally approved). You may apply for Confirmation of Completion if a Certificate of Completion was not obtained within this validity period.

The issue of a Confirmation of Completion will be considered where:

- work is in accordance with the plans which formed part of the Building Warrant approval,
- Building Regulations have been complied with to the satisfaction of the Building Standards Officer,
- any deviations from the approved plans are of a relatively minor nature,

Please note however that on occasion remedial works may be required prior to final acceptance and failure to initiate these works can result in enforcement proceedings being instigated.

It may also be necessary, dependant upon the nature of work involved, to expose areas of work for further inspection, however where this is not the case no responsibility for the condition of any concealed elements of structure can be accepted.