

Shared repairs

Repairs for owners

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

What is a shared repair?

A shared repair is a repair or maintenance work which is for the benefit of everyone who lives in the same building.

This means repairs to shared areas of the building your home is in or the land it is on, for example, repairs to shared roofs, shared stairs, shared garden areas and shared walls.

There is a difference between repairs and improvements.

- Repairs (and maintenance work) put right any damage to the building and keep it in good condition.
- Improvements are not always necessary but can make your home and garden area a better place to live.

How will I know if I must pay towards a shared repair?

Your title deeds will normally tell you if you must pay towards a repair. The title deeds for your home tell you:

- which shared repairs you have to pay towards; and
- what percentage of the total cost of the repairs you must pay.

If your title deeds do not give you any information, which repairs you have to pay towards will depend on whether you own a house or a flat as shown on the next page.

- If you own a flat and your title deeds do not tell you what repairs you must pay for, the Tenement (Scotland) Act 2004 and the

tenement management scheme will apply. For more information, please see page 4.

- If you own a house and your title deeds do not tell you what repairs you must pay for, common law will apply. In common law, if the title deeds do not tell you about making decisions about shared repairs, all the homeowners must agree before a decision can be made. It is very unlikely that this situation will ever happen because of the type of title deeds we use.

If you are not sure what your deeds say, you should contact your solicitor who will be able to help you.

What is a tenement?

A tenement is a building made up of two or more flats that were built to be owned by separate households and which are divided from one another horizontally.

Tenements include:

- large houses that have been converted into flats;
- high-rise blocks;
- blocks of four flats;
- modern blocks of flats; and
- blocks of flats with businesses in them, such as ground-floor shops, and office buildings, as long as they have two or more flats in them. We call these buildings 'flatted properties'.

What is the tenement management scheme?

If you live in a flatted property and your title deeds do not tell you which repairs you have to pay for, we will follow the rules of the tenement management scheme (TMS). The TMS is there to make sure that all flatted properties have a full set of rules for managing and maintaining them.

Under the TMS, people who own flats can decide to carry out shared repairs, as long as more owners of the flats in the building want to carry out the repairs than do not. Usually, the costs are divided equally between all the flats. However, if the floor area of one of the flats is more than one and a half times that of any other, costs are divided based on floor area. If you do not agree with a decision made under the TMS, you can appeal to the Sheriff.

The TMS does not apply to all parts of the tenement. It applies only to 'scheme property'. Scheme property includes:

- any part of the tenement that two or more owners share, for example, the stairs; and
- any other parts of the tenement that your title deeds say two or more owners must maintain.

Scheme property includes the following.

- The foundations.
- The ground the property is built on.
- The outside walls.
- The roof (including any rafters or any structure supporting the roof).

- Any gable walls that are part of the tenement building.
- Any wall, beam or column that supports the main weight of the building.

Scheme property does not include the following.

- Any extensions that are part of only one flat.
- Any door, window, skylight, or other opening that serves only one flat.
- Any chimney stack or chimney flue that serves only one flat.

Only the owners who share property rights for scheme property are responsible for maintaining it.

Maintenance of 'scheme property' includes:

- repairing and replacing scheme property;
- cleaning;
- painting and other routine work;
- gardening;
- the day-to-day running of the tenement;
- restoring the tenement to its original condition, for example, after it has been damaged by a flood, fire and so on.

Will I have to agree to a shared repair you are carrying out?

This will depend on whether the work is a repair or an improvement.

- For repairs and maintenance, we do not need to get your permission before we carry out the repair. If your title deeds say you are responsible for repairs to shared areas, you must pay towards the repair.
- For improvements to shared areas, we will need to get your permission.

What information will you give me?

This depends on the type of repair.

- **Emergency shared repairs**

An emergency shared repair is a repair we must carry out to make the building safe because there is a safety risk to a tenant or member of the public. For example, if the water, gas or electric supply fails. We do not need your permission to carry out emergency shared repairs. We will write and tell you how much you will have to pay towards the repair.

If possible, we will try and tell you about the shared repair before we carry it out. In exceptional circumstances (for example, if the repair involves gas), we may have to force our way into your home if we cannot contact you. We will always make sure that we leave your home safe and secure.

- **Necessary shared repairs**

These are repairs which, although they are not an emergency, would cause a lot of inconvenience if we did not do them. For example, repairing a roof to prevent rainwater leaking.

We will write and tell you:

- whether you are responsible for paying towards the repair;
- what the repair is;
- what your share of the cost will be, if we (not a contractor you have arranged) carry out the repair; and
- the name of the officer you should contact.

You can ask for a meeting for all the homeowners involved to discuss the repair.

If you prefer, you can get quotes from tradesmen and give them to us to consider. We may accept quotes if they offer value for money and meet our standards. If we accept the quote you give us, we will write and tell you. You will be responsible for collecting the other owners' share of the final amount due.

- **Improvements**

We will write and ask for your agreement to carry out improvement work and to pay a share of the costs and any future maintenance of the improvement. We will need the agreement of every owner before we start work.

We will give you an overview of the project, including:

- an estimate of costs;
- details of the contractors;
- tendering arrangements; and
- planned timescales.

We will give you the opportunity to discuss the plans for the project. If you agree to the improvement work but would prefer to have another contractor carry out the work, you can get quotes from tradesmen and give them to us. We may accept quotes if they offer value for money and meet our standards. If we accept the quote you give us, we will write and tell you.

You will be responsible for collecting the other owners' share of the final amount due.

What if I suggest an improvement to you?

If you contact us and suggest an improvement, we will assess the planned work. All work must meet our standard when it is finished. We will write and tell you our decision. You must get the agreement of the other owners involved to go ahead with the improvement.

Can I get any financial help?

We run a grant scheme which may help you with some of the costs of having your home improved, adapted or repaired. The type of grant available will depend on the kind of work needed. Whether we offer you a grant, and how much we will offer depends on your ability to pay for the cost of the repair.

For more information about grants, please contact:

Trudi Leech
Home Improvements Services Officer
The Moray Council
Council Office
High Street
Elgin
IV30 1BX.

Phone: 01343 563507
E-mail: trudi.leech@moray.gov.uk

What if I still cannot afford to meet the cost of the repair?

We understand that it may be difficult to pay the full amount in one go. If you feel that you cannot pay the whole bill at once, you may be able to pay the bill in instalments. However, this only applies if we carry out the shared repair or improvement. For more information about paying by instalments, contact 01343 563144.

What happens if I do not pay my bill?

If you don't pay any money that you owe us, we will take action against you to get you to pay.

Review and appeals process

If you do not agree with us about repairs or maintenance work to shared areas, particularly the type or cost of materials, the contractors we choose or the timing of the work, you should write to the Head of Housing & Property at:

Department of Community Services
The Moray Council
Council Offices
High Street
Elgin
IV30 1BX

The Head of Housing & Property will refer the case to the Housing Services Manager who will carry out a review.

If you are not satisfied with the outcome of the review, you can ask us to refer your case to the Community Services Housing Subcommittee.

For more information, please contact your local area housing office.

Area housing offices

Buckie Area Housing Office 13 Cluny Square Buckie Phone: 01542 837200 E-mail: buckieaccess@moray.gov.uk	Elgin Area Housing Office Council Office High Street Elgin Phone: 01343 563429 E-mail: housing.reception@moray.gov.uk
Forres Area Housing Office Auchernack High Street Forres Phone: 01309 694000 E-mail: forresaccess@moray.gov.uk	Keith Area Housing Office The Institute Mid Street Keith Phone: 01542 885500 E-mail: keithhousing@moray.gov.uk

If you need information from the Moray Council in a different format, such as Braille, audio tape or **large print**, please contact:

如果閣下需要摩里議會用你認識的語言向你提供議會資訊的話，請要求一位會說英語的朋友或親人與議會聯繫

Jeżeli chciałoby Państwo otrzymać informacje od samorządu rejonu Moray w swoim języku ojczystym, Państwa przyjaciel lub znajomy, który mówi dobrze po angielsku, może do nas

Se necessita de informação, do Concelho de Moray, traduzida para a sua língua, peça o favor a um amigo ou parente que fale Inglês para contactar através do:

Jeigu Jums reikalinga informacija iš Moray regiono Savivaldybės [*Moray Council*], kurią norėtumėte gauti savo gimtąja kalba, paprašykite angliškai kalbančių draugų arba giminaičių susisiekti su mumis

Чтобы получить информацию из Совета Морэй на Вашем языке, попросите, пожалуйста, Вашего друга или родственника, говорящих по английски, запросить ее

Si necesitas recibir información del Ayuntamiento de Moray en tu idioma. Por favor pide a un amigo o familiar que hable inglés que:



Project Officer, Chief Executive's Office, High Street, Elgin, IV30 1BX



01343 563319



equalopportunities@moray.gov.uk



(Wednesday or Thursday only): 18002 01343563603