



Under One Roof

# When is a castle a tenement?

**When it's divided into 2 or  
more parts horizontally**



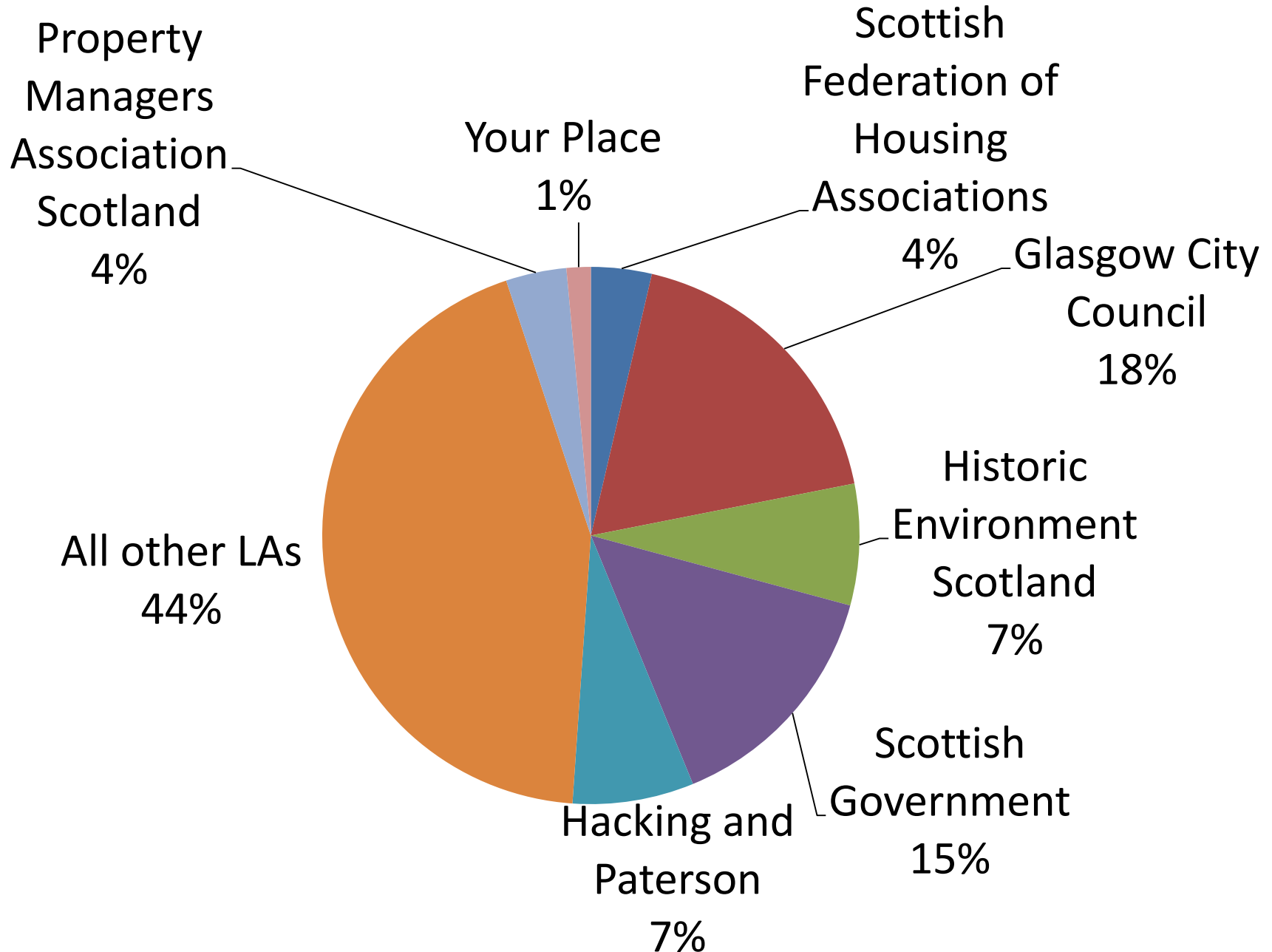
Under One Roof



Under One Roof

# Impartial advice on repairs and maintenance for flat owners in Scotland

# Under One Roof Funding Sources



Over 100 articles on flat  
owners' legal responsibilities  
towards their co-owners



# Under One Roof

Impartial advice on repairs and maintenance for flat owners in Scotland

## Owners + Obligations

### Acting together

Working well with your neighbours

### Property management rules

Found in your Title Deeds and other legislation

### Property Factors (Managers)

Rules for professional building managers

### Paying for repairs

How to raise the money for repairs

### Enforcing repairs

Dealing with owners who won't pay

### Moving on

Buying, selling, renting, improving

## Six ways to keep your flat's value

Owners' rights and responsibilities, to maintain and manage a building.



## Property management rules

Every tenement and block of flats is governed by rules which set out your rights and responsibilities. If you want to find out what repairs you are responsible for, what share of costs you should pay and how you should keep accounts then start by looking out your Title Deeds.



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[Your building's rules](#)[Your repair obligations](#)[Sharing repair costs](#)[Day to Day Management](#)

### Your building's rules

In your Title Deeds (Land Certificate)

### Sharing repair costs

How much each owner should pay

### Your repair obligations

Common and mutual responsibilities

### Day to Day Management

From cleaning to accounting

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## Your repair obligations



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Common Repairs

Mutual Repairs

Individual Repairs

Maintenance or Improvement

What is "responsibility?"

The Loft – who owns it?

Dormer Windows – Who Pays?

Garden Maintenance

Estate landscaping

### Common Repairs

Repairs for which all owners are responsible.

### Individual Repairs

One owner's responsibility

### What is "responsibility?"

What it includes

### Dormer Windows – Who Pays?

Who pays?

### Estate landscaping

Are you responsible for landscaping costs

### Mutual Repairs

Parts of the building owned by some but not all owners

### Maintenance or Improvement

What is the difference?

### The Loft – who owns it?

And when is it common?

### Garden Maintenance

Who is responsible?

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## Common Repairs

**Common repairs are those to parts of the building for which all owners as a group are responsible for maintaining.**



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Tenements Act and common repairs

Making decisions about common repairs

When does a wall stop being common responsibility?

To find out exactly what applies in your building, you need to read your Title Deeds. If there are problems with your title deeds you need to refer to the Tenements Act 2004.

## Tenements Act and common repairs

The Tenements Act says common repairs include:

- the ground (solum) on which your building stands (but not always the garden).
- the foundations.
- the external walls – but individual owners are responsible for the part of these walls that lies in their flat
- the roof (including the rafters).
- other structural parts of the building such as beams, columns and load bearing walls.
- the close and stairs (when they are not mutual)

In a limited number of circumstances you may be responsible for the maintenance of parts of the building and its surroundings that you do not own, such as the garden or loft.

### See also

[Internal Walls](#)

[Structural Problems](#)

[External walls](#)

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Encouraging owners to  
develop good maintenance  
habits...

...such as maintaining their  
gutters



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# Gutters

Gutters take the rain from your roof and channel it away from your walls and the timbers set into the walls that are prone to rot if they are damp – lintels, joists and rafters. As our winters get wetter, it is very important that your gutters function properly. Cleaning will prevent overflows and regular maintenance will prevent leaks. Gutter repairs are almost always common repairs.

  [Share this page](#)
[What to look out for](#)
[Cleaning gutters](#)
[Dealing with climate change](#)
[Types of gutter](#)
[Moulded front gutter](#)
[Half round gutter](#)
[Stone gutter](#)
[Parapet gutter](#)
[Listed Buildings and Conservation Areas](#)
[Who pays?](#)

## What to look out for

John Gilbert



### Typical signs of gutter problems

Damp stains under moulded gutter

Keep a regular eye on the gutters looking particularly for damp and stains underneath as these can be the first sign of leaks and overflows. Cracks in lintels underneath are another common sign of structural damage.

### See also

[Drainpipes](#)
[Parapet Gutters](#)
[Cast iron gutters \(rhones\)](#)
[Moulded gutters](#)
[Stone gutters](#)
[Drainage](#)

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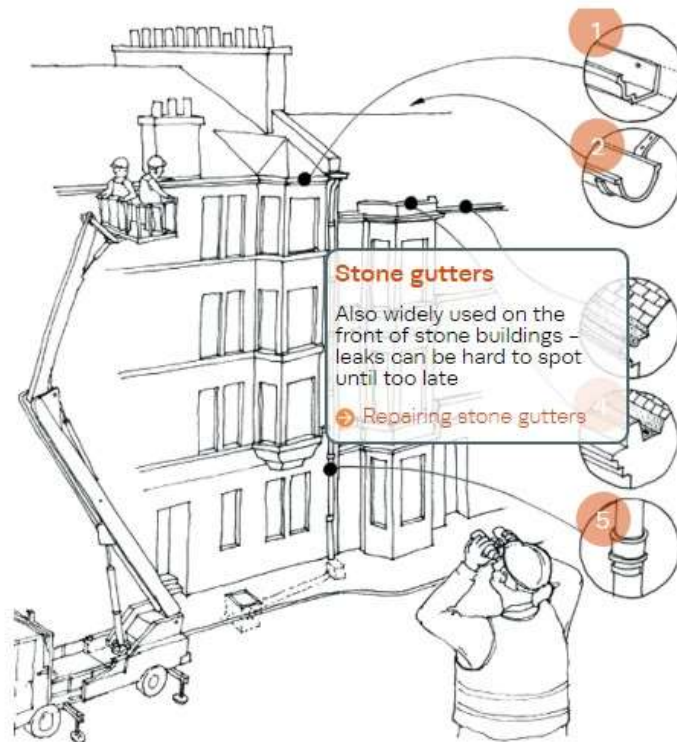
☒ Owner

Consider fitting a leaf guard over the outlet to the downpipe to help prevent blockages in the pipe but keep the guards themselves clean. Leafguards at outlets can also cause blockages as leaves will often collect around the wire cage and cause a blockage.

## Dealing with climate change

As our winters get ever wetter with more frequent rain storms, gutter maintenance becomes even more critical. If you are replacing your gutters, increase their size so they can cope with more rain and add an undercloak to protect against rainstorms.

## Types of gutter



## Moulded front gutter

Cast iron gutters and the bolts that fix the joints in sections can rust and corrode. Hard to check from ground level.

Home / Stone tenements and villas / Roofs / Gutters / Stone gutters

## Stone gutters

These gutters are simply a channel in a top cornice stone. The channel should be lined with lead or asphalt. As these gutters are hidden, leaks can easily go undetected leading to costly defects.



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### Problems

Lead linings may not have sufficient thermal expansion joints leading to wrinkles, cracks and leaks. Similar problems can occur with asphalt linings with the areas above masonry joints being most vulnerable.

These gutters can also be too shallow to cope with all the rain coming off your roof. They then overflow.



### Stone gutter with lead lining

Note how shallow it is

### See also

[Gutters](#)

[Lead](#)

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## Get professional help

Your flat is probably your **biggest personal investment** and for many people, it's their pension. It's worth **getting professional help to protect your investment, get best value for your money and avoid making costly mistakes.**

[Management professionals](#)[Technical professionals](#)[When to get professional technical help](#)

Your building is a complicated structure so get help from professionals to plan and carry out repairs from the start. While there may be an upfront cost, tackling the right things, at the right time, in the right way will result in medium, long and maybe even short term savings. Why not start with a professional **maintenance survey**?

It can also be complicated to manage all the relations between owners in your building. If you don't have the skills and time to manage your building and your co-owners yourselves, if necessary using technical professionals to assist your **owners association**, then use a professional **property factor**.

### Management professionals

**Property Factors/Managers** will communicate with owners, inspect your property, deal with accounts and arrange repairs.

**Solicitors** can advise you when you are considering taking legal action against your co-owners or builders.

**Advice centres** can help you with a wide range of personal issues as well as help with

#### See also

[Architects](#)[Surveyors](#)[Quantity surveyors](#)[Clerk of works](#)[Structural engineers](#)[Solicitors](#)[Getting Advice](#)[Health & Safety](#)[Property Factors \(Managers\)](#)

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# Over 70 technical articles

- Identifying repair problems
- Explaining builders quotes



# Flats of all ages and types covered

## Buildings & Repairs

Information on repairs and maintenance of different types of buildings.



Stone tenements and villas



Older brick and render flats



Low rise and high rise flats



Modern estates



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# Stone tenements and villas

[Share this page](#)[1. Roofs, gutters, flashings & chimneys](#)[2. External walls](#)[3. Windows](#)[4. Close & Stairs](#)[5. Floors and ceilings](#)[6. Services](#)[7. Stone structures](#)[8. Drainpipes and drainage](#)

## External walls

External stone walls contain many features that look good and protect the walls below.

[More about external stone walls](#)



## External walls

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Repair symptoms  
checker





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[Home](#) / [What's the problem?](#)

# What's the problem?

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## Damp

[Cracks](#)[Noise](#)[Energy and heating](#)[Pipes and leaks](#)[Rot and insects](#)

## Where is the damp showing?

[Top flat](#)[Top flat – modern block](#)[Middle flat](#)[Middle flat – modern block](#)[Ground/basement flat](#)[Any flat – above window](#)[Any flat – in the middle of an outside wall](#)[Any flat – leaks from flats above](#)

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## Mid ceiling – roof leak?

[→ Tiled Roofs](#)[→ Flat roofs](#)[→ Flashings](#)

## Mid ceiling – plumbing leaks?

[→ Plumbing leaks](#)

## Where ceiling meets outer walls

[→ Gutters](#)

## Mid ceiling – condensation on steel beam?

[→ Timber kit construction](#)

Helping owners save  
money and preserve the  
value of their flats

# Flat owners

## **Your common repair issues**



# Your common repair issues

- No single place to find your responsibilities
- Have a duty to maintain

# Your common repair issues contd.

- Have to deal with reluctant co-owners
- Don't know what repairs are required
- May have problems budgeting for repairs
- Suffer problems with builders

# Good practice management and maintenance

## **How to protect yourselves**

# Find out your rights and responsibilities

- These are set out in
  - your Title Deeds
  - Tenement Management Scheme (TMS) (Tenements Scotland Act 2004)

# Key points to check

- What are common, mutual and individual repairs
- How decisions should be made
- How costs are divided between flat owners
- Whether you must have a factor

# The Tenements Act steps in where Title Deeds

- Say nothing
- Are unworkable
  - Shares don't add up to 100%
  - Shares are by Rateable Value  
BUT flats have been divided or enlarged

# Additional rules from the Tenements Act

- Duty to maintain
- Compulsory buildings insurance
- Owners remain responsible for repairs started even if they sell
- Properly made decisions are binding on those who didn't agree

# “Duty to maintain”

## s8 Tenements Act Scotland 2006

- Owners have a duty to maintain their property so as to **provide support and shelter**
- Not just common repairs
- One owner can carry out appropriate repairs and recover costs, even if no majority agreement



# What is maintenance?

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

**\*\* unless Title Deeds say otherwise\*\***

# Decision making

- Maintenance is a majority decision
- Improvements need 100% agreement
- Except “incidental improvement which is classed as maintenance

▪

**\*\* unless Title Deeds say otherwise\*\***

# Budgeting for repairs

- Repairs are inevitable – so start saving now.
- Make financial plans so repairs don't get worse through delays
- Encourage your co-owners to start saving

Do professionals cost  
money or save money?

**Probably save you making  
expensive mistakes**

# Professional help saves money



More information

[www.underoneroof.scot](http://www.underoneroof.scot)

So what are going to do  
differently in future?





# Under One Roof

Online information for flat owners in Scotland  
[www.underoneroof.scot](http://www.underoneroof.scot)



**Discover** how to work happily with your neighbours

**Find out** your rights and responsibilities as a flat owner

**Identify** what's wrong with your building

**Get advice** on organising repairs and dealing with builders

**Check** out how to pay for repairs

Save money and protect the value of your home  
with more underoneroof.scot



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[Home](#) / [Owners + Obligations](#) / [Making Decisions](#) / [Owner meetings](#) / [Effective meetings](#) / [Meeting presentations](#)

## Meeting presentations

If you are holding meeting of owners, you may find it useful to download some of these presentations to show to owners via your laptop, tablet or computer.

[Under One Roof Poster](#)[Six ways to keep your flat's value](#)[Your repair and maintenance responsibilities](#)[Making decisions about managing and maintaining your flat](#)[Getting the best from your property factor](#)[Working with your co-owners](#)[Dealing with reluctant owners](#)[Financing Repairs](#)[Typical repair problems in stone buildings](#)[Typical repair problems in newer buildings](#)

If you wish to print these presentations as handouts, be sure to click "Multiple" on the Paper Size and Handling section of the Print Menu page - you could use a lot of paper otherwise!

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Under One Roof

How many of you have  
had problems getting  
other owners to agree  
and pay for common  
repairs?

# Enforcing repairs

# Take on non-paying owners

- Don't let decay spread because one owner won't co-operate
- Follow proper procedures and the law is on your side
- You can almost always get blood out of a stone but it can take a long time



# Help from your Council

- If you have tried all the above and are getting nowhere, ask your local council for help
- Council staff are willing to help with advice
- Grants are seldom available
- Some Councils have resources to offer “Missing Shares”

# Powers available to Councils

- Work Notices
- Missing Shares
- Repairing Standards for Private Landlords
- Maintenance Orders
- Public Health Action
- Closing Orders
- Disrepair/ defective building notice

# DIY - Notice of Potential Liability for Costs

- Notice lodged with Title Deeds
- Owner cannot sell until cost of repairs paid
- Needs renewed every 3 years
- Get help from solicitor
- Does not need court order

# Recovering costs

- If the Council can't help, you need to:
  - Check you've followed proper procedures
  - Carry out the repair
  - Send the bill for that owner's share
  - Send a reminder with a warning that you are taking action to recover costs
- If the owner still won't pay, take action

# Court Action

- New “Simple Procedure”
  - Replaces Small Claims Procedure
  - For claims under £5,000
  - DIY – does not need legal help
  - Takes mediation based approach
  - Sheriff Court staff are helpful