

What if someone does not pay?

Ideally, you and other owners should have the money in place before work begins. If someone does not pay, the other owners must make up the shortfall. It is then up to them to decide whether to pursue the owner for the money.

The non-paying owner is still liable to repay their share to other owners, even if they have moved on.

Can you make someone pay?

If the debt is under £5000 you can use the simple procedures court. For larger sums, you need to use the sheriff court to obtain a decree raising an action for payment against the person owing the money.

You can obtain free advice from The Citizen's Advice Bureau or the sheriff court. However, for more complex issues you should use a solicitor.

What if an owner sells their flat without paying their share?

If an owner sells their property, they are still liable for the costs of repairs carried out before the sale. Ideally, they should sort this out with the new owner, who may agree to pay in return for a reduced selling price.

What if the owner leaves without paying?

If the owner leaves without paying, you and other owners may have to cover their share of the bill. You can then take them to court to get the money back.

Can I get the money from the new owner?

You'll only be able to pursue the new owner if the previous owner, or any of the other owners in the building, registers a 'notice of potential liability of costs' in the Land Register or Register of Sasines. This must be done at least 14 days before the sale is finalised. In this case, the new owner will be jointly liable for the costs with the previous owner. A solicitor can help you register a notice of potential liability of costs.

Useful Contacts

Edinburgh Shared Repairs Service
www.edinburgh.gov.uk/sharedrepairs
0131 529 6778

Royal Incorporation of Architects in Scotland
www.rias.org.uk
0131 229 7545

Royal Institution of Chartered Surveyors
www.rics.org.uk
024 7686 8555

Federation of Master Builders Scotland
www.fmb.org.uk
0131 442 8830

Law Society of Scotland
www.lawscot.org.uk
0131 226 7411

Local Offices www.edinburgh.gov.uk

North East Locality Office
101 Niddrie Mains Road
Edinburgh
EH16 4DS
Email: northeast.locality@edinburgh.gov.uk
Tel: 0131 529 3111

South East Locality Office
40 Captains Road
Edinburgh
EH17 8HQ
Email: southeast.locality@edinburgh.gov.uk
Tel: 0131 529 5151

North West Locality Office
8 West Pilton Gardens
Edinburgh
EH4 4DP
Email: northwest.locality@edinburgh.gov.uk
Tel: 0131 529 5050

South West Locality Office
10 Westside Plaza
Edinburgh
EH14 2ST
Email: southwest.locality@edinburgh.gov.uk
Tel: 0131 527 3800



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EDINBURGH SHARED REPAIRS SERVICE

Organising and paying for your shared repairs



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Together with other owners in tenement type properties, you are responsible for the upkeep of areas you share. It's a good idea to carry out regular maintenance to keep these areas in good order. However, sometimes you will need to get together to organise larger repairs. The Edinburgh Shared Repairs Service is here to guide you through the process of organising and paying for this work.

Getting started

You should meet with other owners to agree a way forward. For more information about stair meetings or forming an owners' associations contact the Edinburgh Shared Repairs Service on 0131 529 6778 or visit www.edinburgh.gov.uk/sharedrepairs

Getting professional help

The next step is to get a professional opinion on the work involved and the cost.

If the problem is straightforward you can go directly to a tradesperson.

For large or more complicated repairs, or if the are unsure as to the extent of the defect it's often better to use an architect, surveyor or engineer to undertake a survey and manage the work.

They can organise the whole project from finding tradespeople to arranging payment. While this may cost you more, the work will be managed, controlled and you will benefit from the expertise of the professional you hire.

Choosing a professional

The Royal Incorporation of Architects in Scotland (RIAS) and Royal Institution of Chartered Surveyors (RICS) can give you details of architects and surveyors. You should ask them:

- their experience of similar work
- who will manage the work
- what the cost includes
- when they can start.

Drawing up a schedule of works and the materials and methods to be used

A schedule of works is a list describing the repairs and building materials required.

The person managing the repair can draw this up for you. If you are doing it yourself, you can contact the Shared Repairs Service for advice.

The original schedule of works can act as a record to work out what went wrong if faults are found later.

Finding someone to carry out the repair

You should get at least three quotes based on your schedule of works and specifications. There are some important questions to ask when getting quotes:

- experience of this type of work
- membership of reputable trade organisation offering guarantees and complaints services
- proof of indemnity insurance
- references/details from contactable clients

You can also seek recommendations from friends and neighbours. However, be wary of businesses ringing you up, knocking on your door or putting advertising through your letterbox.

Agreeing on a price

Ask for a list of works and detailed, written quotations including VAT. A quotation is a price that the builder must stick to, unless you ask for additional work.

Getting it in writing

If you and your neighbours are employing the tradesperson, you will need to set out arrangements in writing.

Agree in advance:

- A fixed price, only to be increased if agreed beforehand in writing
- that you will retain five per cent of the cost for six months to pay for defects, in case the builder does not return to fix them
- a start and finish date
- the main site supervisor
- who from your side will give instructions
- who you can make complaints to
- that health and safety regulations will be followed
- they will only use the materials specified in the quotation
- which areas of the site are not to be used for building works or storage
- whether they will need access to water, toilets or electricity
- levels of cleanliness and arrangements for reinstating damage.

Before the job starts

You should make sure anyone whose property needs to be accessed has given permission. Inform your insurance company prior to works commencing.

Security

If workers need to access your home, you should consider putting valuables in a locked room or having a trusted person present during the work.

Remember a scaffold can allow access to upper floors. Make sure your windows are locked and contact your insurer to check your cover.

Paying for your shared repairs

You and other owners are jointly responsible for the cost of maintaining your shared areas. Repairs and improvements can be expensive, but there are a variety of ways you can finance the work and spread the cost.

Payment options

Insurance

You may be able to claim against your buildings insurance for damage caused by storm, fire, floods or a third party. Your policy won't cover routine repairs or damage caused by your negligence.

Spreading the cost

You could spread the cost by carrying out the work in stages. Ask your builder, surveyor, or property factor for advice.

Setting up a Maintenance Fund

Owners in your building should set up and make regular payments into a maintenance fund.

