

land and buildings including the right of a tenant.

Instrument – piece of writing containing a contract.

Investitures – a letter etc., showing authority to do something.

Irritate – to make something null and void.

Ish – end.

Lien – a right to hold someone's property until a debt is paid.

Mean – a line dividing an uneven thing into two equal parts.

Nominee – someone who is named to carry out a task on another person's behalf and with their authority.

Pertinances – something which belongs to the property or a person.

Primo – first item or person.

Proprietor/Proprietrix – the owner.

Quarto – fourth item or person.

Quoad – as far as.

Real Conditions – obligations affecting the use and enjoyment of land, usually imposed by superiors when referring to buildings to be created on such land to define the use of the land (and hence buildings).

Real Burdens – a restriction or duty placed on heritable property or the owner of such property which can be transferred from one owner to the next.

Real Property – used in English legal terms to mean property in the form of land and buildings. In Scotland, Heritable Property is the nearest equivalent term.

Resolutive Clauses – clauses which define or sort out an issue or property.

Transmission – a transfer of property.

Secundo – second item or person.

Servitude – an obligation that runs with the property which obliges an owner to allow other people to do certain things.

Solum – the ground the property stands on.

Steeding – farmed or cultivated land.

Tertio – third item or thing.

Videlicet – namely (often shortened to viz).

Warrandice – a guarantee.

Writ – a legal document.

Useful Contacts

Edinburgh Shared Repairs Service

0131 529 6778

www.edinburgh.gov.uk/sharedrepairs

Registers of Scotland

Meadowbank House,

153 London Road,

Edinburgh

EH8 7AU

www.ros.gov.uk

Local Offices www.edinburgh.gov.uk

North East Locality Office

101 Niddrie Mains Road

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EH16 4DS

Email: northeast.locality@edinburgh.gov.uk

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North West Locality Office

8 West Pilton Gardens

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40 Captains Road

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EH17 8HQ

Email: southeast.locality@edinburgh.gov.uk

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South West Locality Office

10 Westside Plaza

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EH14 2ST

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EDINBURGH SHARED REPAIRS SERVICE

Shared repairs and your title deeds

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Together with other owners in tenement-type properties, you are responsible for the upkeep of your building's shared areas. Exactly what you are responsible for and who pays for maintenance and repairs are usually listed in your title deeds. The deeds may also outline your fellow owners responsibilities, including whether they must give you access for repairs.

What are title deeds?

Title deeds detail who owns the property and what the property consists of, including the number of rooms and where the boundaries are.

Title deeds are often supplied along with a deed of conditions stating how the property is to be managed and maintained and who is responsible for these decisions

Where can I get my title deeds?

If you don't already have them your property manager, solicitor or building society may be able to send you a copy of your title deeds and deed of conditions.

You can also get copies from the Registers of Scotland. There is a charge for this service

What's in the title deeds?

The deeds are normally a collection of papers containing the original deeds when the property was built and any subsequent sales.

You are most likely to find details of shared repairs in the deed of conditions. Information can include:

- Details of shared areas
- How to come to agreement with other owners about repairs, consulting other owners and how much each owner pays
- Insurance
- The factor's duties and arrangements for using them
- Your obligations to other owners
- Details of arbitration procedures
- What happens if people do not pay
- A final declaration that these are responsibilities which will not change when a flat is sold.

What if there are no deeds or they don't contain the information you expect?

If there is nothing in your title deeds about shared repairs or the information cannot be applied to your building, the Tenements (Scotland) Act 2004

could help. The act aims to make sure shared parts of the building are kept in good repair and applies to any building divided into two or more flats on different floors. While the act can fill gaps in your title deeds, the deeds will always take priority.

Title Conditions (Scotland) Act 2003 strengthens the position of owners in relation to managers or factors, particularly the power to appoint and dismiss a factor. For more information contact the Edinburgh Shared Repairs Service or speak to your solicitor

Reading your title deeds

It's important to read your title deeds to fully understand the shared areas you are responsible for, exactly which area your building covers and any obligations to your neighbours.

Here is a checklist for you to fill in.

What parts of the building are you responsible for?

Roof	
Chimneys	
Flues	
Skylights	
Aerials	
Walls	
Drainpipes	
Other pipes	
Drains	
Stair windows	
Flat windows	
Stair	
Lifts	
Front garden	
Back garden	
Other land	

Paths	
Bin Stores	
Cellars	

WHAT ABOUT MAIN DOOR FLATS?

DECISION MAKING?

OTHER RULES

Your title deeds are often use specific legal language. Here is a glossary of words and phrases to help you understand their meaning.

Ad Longum – at length or in full.
Appurtenances – accessories or rights belonging to a property.
Arbiter/Arbitrator – an outsider called in to make a judgement between two disagreeing people, often a lawyer.
Assessed Rental – rateable value.
Assign – to make over or transfer.
Assignee – Person something is transferred to.
Bond – mortgage or a written obligation to pay money.
Burden – see Real Burden.
Convene – to call a meeting.
Cumulo as Cumulo Assessed Rental - all these amounts addedtogether.
Decree – a legal order.
Delineated – outlined.
Dispone – to transfer a property to another person.

Disposition – a legal document showing that the property has been transferred to somebody else.
Easement – a right which a person may have over another person's land or property, such as the right to access a certain place or run a pipe under a neighbour's tenement.
Effect – to do something.
Effeiring – belonging to.
Egress – way out.
Execute – to carry out a task.
Exigible – the amount which must be paid.
Feu – tenure of land in perpetuity in return for continuing annual payment of a fixed sum (feu duty) to the owner of the land (feu superior). Most feus now redeemed (bought out).
Free Ish and Entry – the right to come and go.
Ground Annuals – similar to Feu duties (developed to get round the old restrictions against subfeuing).
Heritable Property – a building or piece of land that can be freely bought and sold. It also includes rights over, or connected with,