

Tenement toolkit

Your step by step guide to organising shared repairs to your property

Part 1: Factsheets



Your DIY guide to getting your repairs sorted. Click on a step to find out more.

STEP 1

Identify shared areas and who's liable.



STEP 2

Find out what needs repaired.



STEP 3

Let owners know about the repair.



STEP 4

Organise an owners' meeting.



STEP 5

Vote on your repair options.



STEP 6

Let owners know the decision.



STEP 7

Organise your repair money.



STEP 8

Get your repairs done.



Contact us for free information and advice:

Helpline: **0131 529 6778**

www.edinburgh.gov.uk/sharedrepairs



Edinburgh Shared Repairs Service

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Step 1

Identify shared areas and who's liable

The first step in getting your repairs organised is to find out which areas of your building are shared and who is responsible for their upkeep. Tracing owners can seem complicated when flats in your building are unoccupied or owned by a landlord.

This fact sheet will help you to find out:

- what the common or shared areas of your property are
- who's responsible for maintaining what
- who the other owners are in your block (if you are unsure).

Useful Hints and Tips

- ✓ **Check your title deeds to find out about your shared areas**
Your deeds should give details of your shared areas and how to work out your share of a bill.
- ✓ **Don't know how to get your title deeds?**
Contact your property manager, solicitor or lender for a copy. You can also get a copy (for a fee) from [Registers of Scotland](#).
- ✓ **What do your title deeds tell you?**
Listed in your title deeds you will usually find details of:
 - who pays for maintenance and repairs
 - your neighbours' responsibilities, including whether they must give you access for repairs.
- ✓ **Missing or lack of information about shared areas in your title deeds - what do you do now?**
The Tenements (Scotland) Act 2004 could help. You can use the rules set out in the [Tenement Management Scheme](#). It can fill gaps in your title deeds. The [Tenement Management Scheme](#):
 - aims to make it easier for owners to carry out repairs and maintenance to common areas of their property
 - applies to any building divided into two or more flats on different floors
 - sets out rules to follow and procedures for dividing up repair and maintenance responsibilities, making decisions about the upkeep of common areas and paying for repair and maintenance work

- applies only if information isn't included in your title deeds e.g.
 - if your deeds say you and the other owners are jointly responsible for maintaining common areas but don't say how you should make decisions about this or how costs should be divided
 - determines that each property gets one vote on any decisions about repairs
 - is legally binding and can be enforced. (See [Step 5: Vote on you repair options.](#))
- ✓ **Can't identify the owner of a flat owned by a landlord?**
- If the tenant can't give you their landlord's contact details, you can check the [Scottish Landlord Register](#) website. This will give you the details of their landlord or agent.
- ✓ **What if a landlord doesn't want to be involved with shared repairs or is unregistered?**
- You can contact the **Council's [Private Rented Services](#)** for help and advice.
- ✓ **Can't find the owner of an unoccupied flat?**
- Even if a flat is unoccupied, the owner is still responsible for shared repairs. You can check with **the [Registers of Scotland](#)** to find out who owns the flat and get in touch with them. **[Scottish Assessors](#)** can help you identify flat numbers. You should also report any empty homes to the Council's **[Private Rented Services](#)**.
 - Where owners cannot find or identify the non-resident owner through reasonable inquiry, in some cases, the Council might be able to provide the lead owner with contact details for the absent owner through a **[Release of Ownership Information Application](#)**. This allows the Council to provide contact details held on our electronic systems.

Contacts and Resources

Find out who owns flats in your block - [Registers of Scotland www.ros.gov.uk](#)

Find out about your shared areas - [The Tenement Management Scheme - www.mygov.scot/common-area-repairs/tenement-management-scheme/](#)

Track down absent landlords in the official register of landlords of private rental properties - [Scottish Landlord Register www.landlordregistrationscotland.gov.uk](#)

Get advice if landlords don't want to be involved with shared repairs or are unregistered - [Edinburgh Council Private Rented Services](#), email: landlordregistration@edinburgh.gov.uk

Find out your neighbours' flat numbers - [Scottish Assessors www.saa.gov.uk](#)

Apply to the Council for absent owners' details through a [Release of Ownership Information application - www.edinburgh.gov.uk/sharedrepairs](#)

[Go back to menu](#)

Step 2

Find out what needs repaired

Carrying out regular inspections and maintenance of your property's shared areas can avoid more costly repairs in the future. It's a good idea to get a professional surveyor, architect or structural engineer to assess the condition of your building at least every five years. However, you and your neighbours can easily check more frequently for routine repairs.

This factsheet guides you on:

- how to find out what work needs done to your property
- finding and appointing reputable suppliers
- getting quotes for your repair.

Useful Hints and Tips

- ✓ **Get evidence of any repairs needing done**
 - Take photographs of the repair area.
 - Use Edinburgh Shared Repairs Service's handy [Building Inspection Checklist](#) to guide you through inspecting areas of your property.
 - You can also hire someone like a surveyor or building contractor to carry out checks.

- ✓ **Decide how you will tackle your repair**
 - You may have a factor for your building who will carry out routine inspections and maintenance work. Check [Scottish Property Factors Register](#) to see if your building has a factor.
 - Meet with the other owners to agree a way forward. (See [Step 4: Organise an owners' meeting.](#))
 - If the problem is straightforward you can go directly to a tradesperson.
 - For large or more complicated repairs it's often better to use an architect, surveyor or engineer to manage the work. Although it may cost more, they can organise the whole project from finding tradespeople to arranging payment.
 - The [Royal Incorporation of Architects in Scotland \(RIAS\)](#), [Royal Institute of British Architects \(RIBA\)](#) and [Royal Institution of Chartered Surveyors \(RICS\)](#) can give you details of architects and surveyors.

✓ How to choose tradespeople

It's important to do your research when finding tradespeople:

- Have they done this type of work before?
- Do they belong to a trade body?
- Do they have a guarantee or a complaints service?
- Do they have proof of indemnity insurance?
- Can they provide references from past clients and can you speak to them about the work they had done?
- If they are VAT registered will their quote include VAT? (This will affect your final bill.)
- Ask friends and neighbours if they know someone they trust. Be wary of people who phone or knock on the door, especially if they want you to sign up on the spot.
- Find any supplier lists from trade bodies or organisations that can help you find honest and reliable traders e.g. the [Trusted Traders](#) website of suppliers vetted by Edinburgh Trading Standards.

✓ How to get quotes

- Draw up a list of repairs. The person managing the repair can draw this up for you.
- Get at least two, ideally three, comparable quotes from contractors.

Contacts and Resources

Building Inspection Checklist - www.edinburgh.gov.uk/downloads/download/13985/shared-repairs-resources

Find a Scottish architect - [Royal Incorporation of Architects in Scotland \(RIAS\)](#)
www.rias.org.uk

Find an Architect – [Royal Institute of British Architects \(RIBA\)](#) www.architect.com

Find a chartered surveyor - [Royal Institution of Chartered Surveyors \(RICS\)](#)
www.rics.org/

Find a reputable tradesperson - [Trusted Traders](#) www.trustedtrader.scot

Find out if your building has a factor - [Scottish Property Factors Register](#)
www.propertyfactorregister.gov.scot

[Go back to menu](#)

Step 3

Let owners know about the repair

It is important that one of the owners takes the lead in organising shared repairs to a tenement property. The other owners must be made aware of the repair, including owners of neighbouring tenements if it affects their building. It is challenging to get neighbours together and to agree on a course of action. However, it is important to do this as an owner can refuse to pay their share if they've not been properly informed of decisions made about shared repairs.

This factsheet guides you on:

- communicating with other property owners when work needs done to your property
- procedures you need to follow when organising your repairs.

Useful Hints and Tips

- ✓ **How to begin the conversation about your shared repairs**
 - Try to speak to neighbours informally, for example, when you pass them on the stair, to broach the subject of the repair.
 - You can answer any questions and then back up what has been said with a written note or letter.
 - Don't be put off by initial reactions - shared repairs make sense. They keep your property wind and watertight and help you keep your property's value.
 - You can also put up a poster on the back of the main door to your stair saying what the repair is that you want to tackle.
 - You can also hold meetings to discuss your repairs (See **Step 4: Organise an owners' meeting**).
- ✓ **Notifying owners about the repair issue**
 - All owners must be made aware of the repair issue including owners of neighbouring tenements if their property is affected
 - You can use our **Notification of Defects template letter**. This is a standard notice that you can customise with your information.

- Make sure you follow the correct procedures when organising shared repairs in case any disputes arise.
- You can use a **Tenement Management Scheme**. This sets out the procedures flat owners need to follow when making decisions about maintaining and repairing common parts. It includes rules for contacting owners, setting up and running meetings and making decisions.
- Any decisions made under the **Tenement Management Scheme** are known as **Scheme Decisions**.
- Decisions are made through majority voting, which means that over 50 per cent of the votes need to be in favour of a decision in order for it to be confirmed
- It is important to record meetings and decisions owners have made.
- Any Notices must be written and can be posted, faxed or emailed to the owner or their agent.
- If you can't contact an owner or you don't know who the owner is, then the notice can be posted through the door of the flat, addressed to "The Owner" or "Proprietor". A Notice starts from the day of posting or sending.
- If you have to leave a Notice for an owner who is not otherwise contactable, get the delivery witnessed, send by Sheriff Officers or recorded delivery.
- In an emergency situation, any owner can carry out repairs to a property without having to go through the voting process first.

Contacts and Resources

Find out more about the **Tenement Management Scheme** –

www.mygov.scot/common-area-repairs/tenement-management-scheme/

Let owners know about your repair - **Notification of Defects letter template**

www.edinburgh.gov.uk/sharedrepairs

[Go back to menu](#)

Step 4

Organise an owners' meeting

Where owners are jointly responsible for the maintenance or repair of shared areas of their property, they need to agree and arrange the work. This can seem complicated where there are many owners involved and when a major repair needs to be organised. Organising an owners' meeting is a good way of getting owners together to work towards agreeing a course of action to tackle major repairs. However, you can communicate face-to-face or by email if there are only a few owners and you don't feel a meeting is necessary. Meetings can be organised face-to-face or online e.g. by setting up a private discussion group.

This factsheet guides you on:

- how to set up an owners meeting
- keeping everyone informed about decisions from owners' meetings.

Useful Hints and Tips

✓ Who organises owners' meetings?

- Owners' meetings are usually organised by one owner who voluntarily takes on the lead role in organising the repairs for a block.

✓ How do you tell the other owners about a meeting?

It is important to make everyone is aware of any meetings. You can let people know about any planned meetings by:

- calling round and personally inviting owners
- putting up a poster in your stairwell
- emailing owners or dropping a note in all the owners' letterboxes
- using our [Meeting Invite template](#).

✓ How much notice do you need to give of a meeting

Give owners enough warning so that they can to attend. At least 48 hours' notice is needed.

✓ What happens at a meeting?

At the meeting you can discuss:

- why the repairs need to be done

- how they should be carried out
 - any objections to getting the work done.
- ✓ **Make sure the meeting is well organised**
- Well organised meetings help to keep everyone focused and involved e.g.
- appoint a meeting chairperson
 - it's helpful to take minutes and note the names of people attending
 - it's important to record meetings and decisions owners have made. Use our [Meeting Minutes template](#) to record everything.
- ✓ **What happens if owners can't attend an owners' meeting?**
- Where owners were not at the meeting, or no meeting was held, notifications of any decisions must be given quickly.
 - Consider setting up an online discussion group using social media if you think this would work better for owners.
- ✓ **What if owners can't be traced or are unwilling to pay their share of the repair?**
- If you are having problems finding owners, see [Step 1: Identify shared areas and who's liable](#).
 - Our [Missing Share Service](#) could help. You can apply to the Council for a missing share of your repair money where an owner can't or won't pay.
- ✓ **Keep all the owners informed about meeting decisions**
- Do this in writing as soon as possible.
 - An owner can refuse to pay their share if they've not been properly informed of decisions made about shared repairs. In this situation, all other owners would need to cover their share of the costs between them.
 - Make sure you get written confirmation that someone has agreed to a decision and keep a copy. Use our [Notice of Tenement Meeting Decision template](#). (See [Step 6: Let owners know the decision](#)).

Contacts and Resources

Use our [Meeting Invite](#), [Meeting Minutes](#) and [Notice of Tenement Meeting Decision](#) templates to help organise your stair meeting - www.edinburgh.gov.uk/sharedrepairs

Apply for our [Missing Share Service](#) or download the [Missing Share Service factsheet](#) at www.edinburgh.gov.uk/downloads/download/13996/shared-repairs---missing-shares-service or find out more by calling our helpline on **0131 529 6778**.

[Go back to menu](#)

Vote on your repair options

Once you have investigated your repair and discussed your options with the other owners, you need to decide on a course of action to tackle your repair. If there's nothing in your title deeds about making decisions on shared repairs, the **Tenement Management Scheme** sets out rules you need to follow. This includes voting on your repair options. Decisions are made through majority voting. This means that over 50 per cent of the votes need to be in favour of a decision for it to be confirmed.

This factsheet guides you on:

- how voting works
- how to organise a vote
- what happens if you don't vote or are unhappy with a decision.

Useful Hints and Tips

✓ Who can vote?

The rule is one property, one vote. This means:

- each property (flat or commercial) has one vote
- all decisions are made on an overall majority basis
- if you own your flat jointly and you can't agree between you on which way to vote, you won't be able to vote at all, unless one of you owns a larger share of the property. If so, this person's vote will go forward
- votes can be cast either by the owner, or by someone else nominated by the owner, for example, a letting agent or tenant
- if you are not responsible for paying a share of any cost, your vote is not counted.

✓ What are the rules for voting?

- All votes must be recorded.
- Any decisions you make are binding and can be enforced through the courts.
- Use our **Tenement Voting Form template** for voting.

✓ How do you organise a vote?

- You can organise a meeting to carry out the vote. (See [Step 4: Organise an owners' meeting.](#))
- If you don't want to arrange a meeting, one person will need to collect all the votes.
- You can do this by going from door to door, or by asking people to return their vote by post or email.
- If you can't get hold of everyone, you can still go ahead with the vote.
- You must make sure that anyone who wasn't involved is notified in writing about the outcome of the vote as soon as possible.

✓ What happens if an owner doesn't vote?

If an owner can't take part in a vote (for example, because they were away from home when the vote was taken):

- This won't make the decision invalid. However, they should be told about the decision as soon as possible.
- If the owner is liable to pay more than 75 per cent of the cost of repair work decided on in their absence, they're entitled to cancel the decision.

✓ What if you're not happy with the outcome of the vote

Owners can challenge a decision made by the [Tenement Management Scheme](#) or in accordance with the title deeds. You can make an application to the Sheriff Court for an annulment within 28 days of the date the original decision was made, or the date you were told about it if:

- you weren't in favour of the decision made, or
- you weren't an owner at the time the decision was made (for example, if you've just bought your flat).

✓ Keep all the owners informed about the outcome of the vote

- See [Step 3: Let owners know the decision](#) to find out more.

Contacts and Resources

Use the [Tenement Voting Sheet template](#) from our Tenement Toolkit to record the votes – don't forget to obtain signatures of those who vote –

www.edinburgh.gov.uk/sharedrepairs

Find out more about the [Tenement Management Scheme](#) –

www.mygov.scot/common-area-repairs/tenement-management-scheme/

Find a solicitor for advice about [Tenement Management Scheme](#) decisions.

[Law Society of Scotland www.lawscot.org](http://www.lawscot.org)

[Go back to menu](#)

Step 6

Let owners know the decision

The decision that owners make about how to tackle their repair is called a **Scheme Decision** under the **Tenement Management Scheme**. Often owners will make their decision about how their repair will be carried out at a stair meeting when they will vote on their preferred repair option. It is important that all owners are informed of any decisions as soon as possible after a vote.

This factsheet guides you on:

- how to inform owners of the repair decision

Useful Hints and Tips

- ✓ **How are owners informed of a repair decision?**
Once a decision is made at an owners' meeting the lead owner must send all owners a written note of the agreed decision. Use our **Notice of Meeting Decision template**.
- ✓ **Is there a time limit for sending the note out to the other owners?**
Owners can appeal a decision but they must appeal to the Sheriff Court within 28 working days from the date the note was issued. So, it is important for the lead owner to send out the decision note as soon as possible after the meeting and to note the date of the decision.
- ✓ **What information is in the note?**
The note should include the following information:
 - how much the owner has to pay into the repair maintenance account (See **Step 7: Organise your repair money**)
 - by when (this date must be at least 28 days away)
 - the account details for making the payment
 - an estimate for the work needed with itemised costs
 - how much the other owners have to pay
 - what the work involves and why it's necessary
 - when the decision to carry out the work was made, and who made it

- contact details for the people in charge of the maintenance account
- a refund date if the work isn't carried out.

✓ How is the note sent out to owners?

The note can be posted, faxed or emailed to the owner or their agent.

Contacts and Resources

Use our [Notice of Meeting Decision template](#) from our tenement toolkit to let owners know what you've decided about your repair -

www.edinburgh.gov.uk/shared-repairs

Find out more about the Tenement Management Scheme –

www.mygov.scot/common-area-repairs/tenement-management-scheme/

How to write a decision note - [Law Society of Scotland www.lawscot.org.uk](http://www.lawscot.org.uk)

[Go back to menu](#)

Step 7

Organise your repair money

As soon as you and the other owners make a decision about your repair work you become liable to pay the money into a joint maintenance bank account. In some cases, the contractor or tradesperson may insist that all the money is collected before they begin. This means that you may need to pay your share of the entire estimated cost of the work in advance.

This factsheet guides you on:

- getting together the money for your repair
- keeping control of repair costs
- ways of spreading the cost and financing your repairs
- what to do if someone doesn't pay.

Useful Hints and Tips

- ✓ **Set up a maintenance account**
 - If the cost of your repairs comes to more than £100 for one repair or £200 per owner over 12 months, then you need to set up an interest-bearing maintenance account.
 - The account will need two signatures (or the signature of a property manager).
- ✓ **Appoint a treasurer for your maintenance account**
 - This will help keep control of your repair money.
- ✓ **Get together the money for the repair**
 - Money is usually collected in advance of a major repair.
 - When asking owners to put money into the maintenance account to pay for repair work, the person in charge of the account needs to send owners a written notice with full details, outlining the agreed repair work and detailed costs. (You can use our [Notice to Pay](#) template and [letter](#) from our online tenement toolkit.)
 - The notice can be handed to the owner, posted through their letterbox or to the owner's home address or emailed.
- ✓ **Make sure that your repair work and costs have been agreed in detail**
 - If you and your neighbours are employing the contractor or tradesperson, you will need to set out arrangements in writing.
 - Agree on a price in advance.

- 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. Agree a fixed price, only to be increased if agreed beforehand in writing.
- Agree 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.
- Everything should be set out in your agreed list of repairs.

✓ **How do owners fund their repairs?**

Repairs and improvements can be costly so you should have the money in place before work is started. There are a number of ways you can get funding and spread the cost of your repairs. Payment options include:

- **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 the lack of maintenance.
- **Fixed term loans** - Loans secured against your property are usually cheaper. However, your property could be at risk if you cannot meet repayments.
- **Savings and investments** - Using savings may be cheaper than taking out a loan.
- **Extending your mortgage** - For larger repairs, you can borrow more money against your mortgage. Your house must be worth more than the current value of your mortgage to do this. You may also get a better deal by re-mortgaging, although this could involve penalty charges. Contact your lender for more information.
- **Spreading the cost** - You could spread the cost by carrying out the work in stages. Ask your builder, surveyor, or property factor. Advice should always be sought from an independent financial adviser.

✓ **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.
- If an owner is bankrupt, costs will be shared equally amongst other owners.
- You may be able to apply for missing shares of your bill from the Council. Call our helpline to speak to one of our case officers about our [Missing Share Service](#).

✓ **Can you make someone pay?**

- If the debt is under £5000 you can use the [Simple Procedure 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, register a '**Notice of Potential Liability of Costs**' in the **Scottish 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.

Contacts and Resources

Download our **Notice to Pay template** and **letter** from **Edinburgh Shared Repairs Tenement Toolkit step-by-step guide** – www.edinburgh.gov.uk/downloads/download/13983/shared-repairs-tenement-toolkit

Call our helpline and speak to one of our case officers about our **Missing Share Service** on 0131 529 6778 or go online to find out more or to apply - www.edinburgh.gov.uk/downloads/download/13996/shared-repairs---missing-shares-service

Find out about **Registering a Notice of Potential Liability of Costs - Land Register of Scotland** - <https://www.ros.gov.uk/our-registers/land-register-of-scotland>

For advice on money issues contact the **Citizen's Advice Bureau** - www.citizensadviceedinburgh.org.uk

Find a Scottish lawyer - **Law Society of Scotland** - www.lawscot.org.uk

[Go back to menu](#)

Step 8

Get your repairs done

Getting to the point where you are organised and ready to go with your repairs is a major achievement. However, there are practical considerations that you need to be aware of that could affect you and your neighbours when work begins. You can reduce the risk of disputes with tradespeople, contractors or other owners by making sure that everyone is clear at the outset about what will happen once the repair project begins.

This factsheet guides you on making sure you are prepared for issues that can arise during your repair work:

- arrangements for the repair work
- regulations and legal issues
- home security
- inform insurance companies.

Useful Hints and Tips

✓ **Make sure you have the details of your repair work agreed**

To help your repair work run smoothly, make sure you have all the arrangements agreed with your contractor and set out in writing before work starts.

This includes:

- a start and finish date
- the main site supervisor
- who from your side will give instructions
- who you can make complaints to
- agreement that they will only use the materials specified in the quotation.

✓ **Do you have all the legal aspects agreed?**

- Check that the contractor will get the necessary consents such as scaffold permits and road occupation permits.

- ✓ **Have you agreed access with the builder?**
 - Which areas of the site are not to be used for building works or storage?
 - Will they need access to water, toilets or electricity?
 - You should make sure anyone whose property needs to be accessed has given permission.

- ✓ **Have you agreed any site management issues with the builder?**

This includes practical issues relating to repair such as:

 - site hours when the work will be carried out
 - levels of cleanliness
 - arrangements for reinstating damage.

- ✓ **Remember to think about 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.
 - Make sure you inform your insurance company of any planned works as this may affect your insurance cover.

Contacts and Resources

Download our shared repairs templates and checklists which we've designed to help you organise your repair project in our **Tenement Toolkit** step by step guide – www.edinburgh.gov.uk/downloads/download/13983/shared-repairs-tenement-toolkit

Contact Edinburgh Shared Repairs Service for free information and advice to help you get your shared repairs organised. Call our helpline on **0131 529 6778** or go online www.edinburgh.gov.uk/sharedrepairs

[Go back to menu](#)

Tenement toolkit

Guide to Shared Repairs part 2:

Templates and Checklists

Use the templates and checklists included in this guide in conjunction with Edinburgh Shared Repairs Service's ***Tenement Toolkit Step by Step Guide Part 1: Factsheets*** to help you manage your flat's communal repairs.

(Download word files for all templates from www.edinburgh.gov.uk/sharedrepairs)

Contents

1. Checklist for Inspecting Your Building

Use this to identify issues with your building.

More information in our [Tenement Toolkit factsheet: Step 2 Find out what needs repaired](#)

2. Notification of Defect Letter template

Use this to let owners know there is a communal repair required to the tenement and that they are liable to pay for a share of the costs.

More information in our [Tenement Toolkit factsheet: Step 3 Let owners know about the repair](#)

3. Meeting Invite template

Use this to invite owners if you are holding a meeting to discuss your building's communal repair.

More information in our [Tenement Toolkit factsheet: Step 4 Organise an owners' meeting](#)

4. Owners Meeting Minutes

Use this to record the discussion and action points from your meeting.

More information in our [Tenement Toolkit factsheet: Step 6 Let owners know the decision](#)

5. Tenement Voting Form template

Use this to record the votes of each owner for and against the proposed repair solution for your building.

More information in our [Tenement Toolkit factsheet: Step 5 Vote on your repair options](#)

6. Notice of Tenement Meeting Decision template

Use this to let owners know the decision repair that the majority of owners has agreed.

More information in our [Tenement Toolkit factsheet: Step 6 Let owners know the decision](#)

7. Notice to Pay and letter templates

Use these to notify owner of the agreed amount they need to lodge in your maintenance account for your repair.

More information in our [Tenement Toolkit factsheet: Step 7 Organise your repair money](#)

8. Checklist for Maintaining Your Building

Use this after completing your repairs to help keep your building in good order.

[Go back to toolkit menu](#)

Checklist for Inspecting Your Building

Use this checklist to note any issues with your building

Inspection Checklist		Problems
inside	<ul style="list-style-type: none"> • top floor rooms • rooms at ground floor or below • rooms with an outside wall 	
roof space	<ul style="list-style-type: none"> • joists, rafters and other timber • joints between walls and roof • other visible surfaces • insulation • water tank and pipes 	
roof	<ul style="list-style-type: none"> • gutters and downpipes • flashings • chimneys • roof coverings 	
external walls	<ul style="list-style-type: none"> • sills • lintols above windows and doors • stonework • pointing • render coatings • bulges/leaning walls • doors and windows 	
common stairs and passages	<ul style="list-style-type: none"> • rails and hand rail supports • loose plasterwork • treads uneven or worn away • windows and doors • floors 	
outside	<ul style="list-style-type: none"> • paths • railings and boundary walls • drains and gratings • air vents • trees 	

Owner Name
Address

Date

Dear

Notification of Defect: (Insert Tenement Address)

As the owner of flat (xxx) I am writing to advise you that there is a communal repair required to the tenement and we are all liable to pay for a share of the costs.

(Insert repairs required)

Having checked my title deeds they state that (describe the terms within the deeds) (or) Having checked my title deeds it would appear they are unclear in respect of decision making or appointing a factor therefore; I propose we carry out the repair/s under the provision of the Tenements (Scotland) Act 2004 Tenement Management Scheme (TMS) which apportions the liability as one property one vote.

It is my intention to hold a stair meeting to discuss the defects, present quotes to remedy the defect and to make a decision on which contractor to use by casting a vote for which you are entitled to participate. A 'Meeting Invite' will be issued to all owners informing you of the date, time and location of the meeting. If you would like to provide your own quote for consideration please bring it along to the meeting. I will then notify all owners of the decisions agreed at the meeting; this gives owners the opportunity to appeal any decision. Please note all appeals must be submitted to the Sheriff Court.

It is hoped that we all participate in this process, however if we are unable to reach agreement it will be my intention to seek intervention from the City of Edinburgh Council.

Yours sincerely

Name

Meeting Invite

Dear _____
(If you are not the owner please forward this to the owner or their agent as soon as possible.)

You, or someone nominated by you, are invited to attend a meeting of the owners of:

(Tenement address) _____

The meeting will be held at:

(Address) _____

on (date) _____ at (time) _____.

The purpose of the meeting is to:

It is possible that a decision may be made by a majority vote at the meeting, as per provisions within the Tenements (Scotland) Act 2004. Therefore it is important that you or your nominated representative attend the meeting. You may wish to look at your title deeds and seek legal advice if you think there is some other provision for making of tenement decision contained therein. If you or a representative are not able to attend the meeting please provide any thoughts you may wish the meeting to consider in respect of maintenance and repairs for the tenement, in writing, to the following address by no later than the day prior to the date on which the meeting is to be held.

Email: _____

Address: _____

_____ Tel: _____

Thank you in anticipation for your co-operation.

Signed: _____ Dated: _____

Owners Meeting Minutes

(Date, Time
Place of Meeting)

Present:				
Item	Subject	Discussion	Action – By Whom	Target
1.	Apologies			
2.	Agreement of Previous Points (if applicable)			
3.	Actions from Previous Meeting (if applicable)			
4.	Headings etc. as required			
9.	Any Other Business			
	Date of Next meeting			

Circulation:

As noted

Tenement Voting Form

Tenement address:

Decision to be voted on:

Total No. Properties:

Property Number	Owner Name(s) & Signature	Vote	
		For	Against
TOTAL			

Notice of Tenement Meeting Decision

Dear _____
(If you are not the owner please forward this to the owner or their agent as soon as possible.)

Further to the tenement owners meeting in relation to:

(Tenement address) _____

Which was held at:

(Address) _____

on (date) _____ at (time) _____.

The purpose of the meeting (in part at least) was to:

The total number of properties/votes allocated for the tenement is: _____

Votes **in favour** of: _____

Votes **against**: _____

The above results mean that the owners of our tenement **have agreed / not agreed** to:

Thanks to all who were able to participate.

Signed: _____ Dated: _____

Note:

If you feel that you may have just grounds to appeal against this decision then the Tenements (Scotland) Act 2004 legislates 28 working days, from the date on which the notice was issued, to appeal you will need to write directly to the sheriff court to have the decision annulled. Decisions will not be implemented until this period has expired and provided no appeals have been made.

Notice for Payment

This is notice to the owner(s) of the property identified below to advise that they are required to pay their share of the estimated cost of common works into a joint maintenance account. Full details of estimated costs, work and where to pay are provided below:

Name(s) of owner(s)	Janet & John Smith		
Owner(s) of the property at This is the address of the property where the work is to be carried out. Please specify the flat number.	Flat 1f1,123 Brown Street, Edinburgh EH10 10AB		
Correspondence Address If different from above Email address If Known			
Shall deposit a sum of: This is all properties full share of the estimated works cost	The Title Deeds/Tenement Management Scheme (<i>delete as appropriate</i>) confirm the following apportionment of costs for all owners –		
	<u>Flat</u>	<u>Share %</u>	<u>Share £</u>
			£
			£
			£
			£
			£
			£
			£
			£
			£
			£
			£
			£
			£
	TOTAL	100%	£
To be deposited into this maintenance account:	Name of Bank: Address of Bank: Sort Code: Account Number:		
Final date money is due to be deposited in the maintenance account	Date:		
Details of work being carried out as per the agreed Scheme Decision			

<p>Detail the estimates voted on and reasons for this being the preferred choice: Contractor and costs</p>																								
<p>Date of Scheme meeting/agreement by owners that the work was needed This must have been a majority decision</p>	<p>Date:</p>																							
<p>If all shares are paid the proposed timescale for carrying out the works are:</p>	<p>Number of weeks work likely to take: Proposed start date: Proposed end date:</p>																							
<p>Names and addresses of all the owners who have agreed to the works</p>	<table border="1"> <thead> <tr> <th data-bbox="612 640 930 674">Name(s)</th> <th data-bbox="930 640 1366 674">Address</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>		Name(s)	Address																				
Name(s)	Address																							

If any part of the Notice is not clear or you need any further information, please contact:

Name: Lead owner/factor

Signed:

Date:

Contact telephone number:

Name
Address
Town
Postcode

Insert date

Dear

Notice for Payment

As you are aware, our building requires communal maintenance works to be carried out which all owners are financially responsible for. The attached **Notice for Payment** is a formal request for the lodging of your share of the estimated cost of the works.

The Notice details the required maintenance works, quotes obtained and voted on. Details of the awarded contractor, the estimate and the reason it was selected as the preferred option.

Prior to the contractor starting works the full amount of the estimate must be deposited into the buildings maintenance account. Please ensure that your share is deposited by (*insert date*) to the maintenance account detailed on the Notice for Payment.

If you are unable or unwilling to pay your share of the costs, this Notice gives owners the opportunity to make an application to The City of Edinburgh Council asking them to pay and recover a missing share. You should be aware that this would result in additional charges being applied by the Council to the owner whose share was paid.

If any part of this Notice is not clear, or if you have any questions please do not hesitate to contact me directly on (*insert lead owners contact details*).

Yours sincerely

(*insert name*)

Checklist for Maintaining Your Building

Use this checklist to help you keep track of maintenance to your building

Maintenance Checklist	How Often	Date of Last Maintenance
Gutter cleaning	Annually	
Slated/tiled roof - inspection and repair	Annually	
Flat roof inspection	Annually	
Flashings on the roof and cupolas	Annually	
Render coatings (e.g. cement)	Annually	
Chimneys	Annually	
TV aerials and fixings	Annually	
Door entry system	2-5 yrs	
External paint work on doors, windows, gutters and down pipes	3-5yrs	
Mastic around windows	6-10yrs	
Stair painting	10yrs	
Pointing – mortar between stone/brick in walls	10-15yrs	