



# Help with tenement repairs

Renfrewshire Missing Share Scheme - a guide to owners and property factors

[www.renfrewshire.gov.uk](http://www.renfrewshire.gov.uk)



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## 1. Overview of the Missing Share Scheme

The aim of this scheme is to help a majority of owners in tenement blocks who agree to essential repairs and maintenance but cannot progress the work because one or more owner(s) are un-cooperative.

Subject to eligibility criteria and available funding, the council may be able to pay the share of costs that are missing, meaning owners can proceed with the work required.

The council will then pursue the owners who have not paid for their missing share, plus administration charges and interest. The interest rate will be decided by the council.

This booklet will tell you more about Missing Shares scheme, eligibility criteria and how to make an application.

## 2. What is a Missing Share?

Under the Housing (Scotland) Act 2006 a local authority can consider paying a missing share where the majority of owners have agreed to carry out necessary common repairs and maintenance, but they cannot get on with the repair because of the non-co-operation of one or more owners.

The council can consider paying a missing share for an owner when:

- the owner is unable or is unwilling to pay
- the owner cannot be identified or found by reasonable inquiry.

## 3. What types of property are eligible?

Missing Shares can only be paid for common repairs e.g. where title deeds show that the owner of two or more properties are responsible for repairs to the common part of a block.

This scheme is available to any tenement property.

## 4. What repairs are eligible?

In this scheme we will only consider paying a Missing Share on essential communal repairs and maintenance for works which have not yet started or completed, for example:

- roof replacement
- gutter and roofline replacement
- essential stonework.

## 5. How much will the council pay?

Renfrewshire Council will only consider applications where the minimum value per individual share is £500 to a maximum of £10,000.

## 6. How do you qualify for assistance?

Owners need to follow several steps before applying for a missing share payment.

We have produced standard templates and letters to help you in this process, so hopefully you will find it relatively easy. If you have a factor, they should be able to help you in this process.

## 7. Identify the work to be carried out

You will need to identify the work required and secure quotes for the repair. It is important to note that the council cannot get involved in surveying your building, securing quotes, or recommending a suitable contractor. This must be done by the owners or a representative of the owners (e.g. a factor).

Once you have your quote(s), the majority of owners must agree to the work and agree to paying their share.

## 8. Open a Maintenance Account

This is a bank account to hold owners' funds which are used to pay for any common repair or maintenance costs. This could be, for example, a "treasurer's account".

The account should be set up by the factor or by at least two other people who are authorised to enter such transactions on behalf of other owners.

Next, the correct share of costs for which each owner is liable should be calculated. You may be able to find this on your title deeds. If you can't find your title deeds, you may be able to get a copy from the [Registers of Scotland website](#), or from the solicitor who did the conveyancing when you bought the flat, or your mortgage lender. You can find further information about title deeds on the [Under One Roof website](#).

## 9. Issue a Section 50 Notice

Nominate a person to send a section 50 notice to all owners. The council cannot do this step for you, but we have produced a standard template to help you. It is your own responsibility to ensure that the notice complies with section 50 of the Housing (Scotland) Act 2006.

The Section 50 notice must set out:

- the maintenance which is to be carried out
- the timetable for carrying out the maintenance, including when the works are to be started and finished.
- the date when the maintenance was required and/or agreed (including the names of the people who agreed it)
- an estimated cost of the work and why that is considered reasonable
- what the estimated costs are for each owner, detailing how this has been calculated
- the maintenance account details including location and number
- the last date for owners to pay their share into the maintenance account.

You must ensure that you can produce evidence that this notice has been served, for example a Royal Mail signed for service with tracking barcode. All owners should deposit their share of the cost of work into the maintenance accounts by the specified date.

## 10. What if I do not know who an owner of a flat(s) is?

It may be that you cannot locate an owner, or unable to contact an owner which is then preventing works from proceeding. However, if you apply for a missing share payment, you will need to show the steps you have taken to try and contact the owner.

Some sources of information which can be used by other owners to identify and contact an absent owner are:

- [Registers of Scotland](#) holds ownership details for all residential property in Scotland as well as contact details for that owner (at time of purchase). There is a small fee for searching the register, but this may be the simplest way to identify and contact an owner
- the [Electoral Register](#) lists the name of everyone registered to vote at a property. The Register may hold information on ownership, particularly if the property is empty, and there are a range of fee based Electoral roll searches which can be found online
- the [Scottish Landlord Register](#) holds details of landlords and/or agents for all let property within a local authority area and is publicly available
- other People Finding companies can be found online. There is normally a fee charged by the company for their services
- the council may also be able to help if the property is empty. Contact Owner Services by emailing [ownerservices.hps@renfrewshire.gov.uk](mailto:ownerservices.hps@renfrewshire.gov.uk) and we can connect you with our Empty Homes officer.

## 11. Apply for a Missing Share

After the deadline has passed for owners to pay their share into the maintenance account, you can then proceed to apply to Renfrewshire Council for the missing share payment. The application form can be requested by emailing Owner Services at [ownerservices.hps@renfrewshire.gov.uk](mailto:ownerservices.hps@renfrewshire.gov.uk). This should be completed and returned to us along with the supporting information detailed on the application form.

## 12. What happens after we apply?

Following an application, the council must be satisfied that:

- the maintenance to be carried out meets the criteria for eligible repairs and that competitive quotations have been obtained
- the Section 50 notice has been served. If the conditions have been met, we will attempt to contact the owner(s) who have not paid their share into the account
- the missing share owner(s) do not have existing debt with the council (please note, we may not make any payments until this debt has been cleared).

If we decide to pay a missing share, we will then write to all owners concerned prior to works commencing.

On completion of the work and on receipt of the final invoice to our satisfaction, we will then deposit the Missing Share amount into the maintenance account allowing the final bill to be settled.

## 13. How does the council recover the money from the owner whose share was paid?

The council will then attempt to recover any payments made through the councils debt recovery procedures. This may include legal or court action being taken on the owner whose share was paid. Additional administration and interest charges will be applied to the sum paid.

## 14. General information

Approval or payment of a missing share does not place any burden, obligation, or responsibility on Renfrewshire Council to check, certify or guarantee works. For transparency, Renfrewshire Council would simply be making payment which should otherwise have been made by an owner.

## 15. What if the council does not approve my application?

Approval or payment of a missing share is at the discretion of the council, subject to funding and resource available.

Irrespective of whether the council pays a missing share or not, owners may be able to take legal action against the owner(s) who have not paid. The [Under One Roof website](#) provides a wealth of information for owners in tenement properties and can provide further guidance on working collaboratively with your fellow owners.

This leaflet is for information purposes only. For any financial or legal advice, owners should consult their own solicitors or other adviser to obtain independent advice, should they so wish.

## 16. Useful links and additional information

- [Registers of Scotland](#)
- [Scottish Landlord Register](#)
- [Information on appointing a property factor \(MyGov.Scot website\)](#)
- [Renfrewshire Citizens Advice Bureau](#)

If you have any questions, wish to access our standard templates or to make an application, please contact us directly by emailing [ownerservices.hps@renfrewshire.gov.uk](mailto:ownerservices.hps@renfrewshire.gov.uk).





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