

## Building insurance

The Tenements (Scotland) Act 2004 states that all owners in a building must have appropriate levels of building insurance.

Even if you have paid off your mortgage you are still required to have building insurance.

Your certificate of insurance can be inspected by your co-owners in the building or by the factor or property manager.

To ensure that the building is adequately insured, owners may wish to arrange a common insurance policy.

## Future property management

There is no obligation on owners to appoint a property manager and owners can self-factor a building. However a majority of owners can make decisions relating to the appointment or removal of a property manager.

The Council cannot act as factor/property manager unless the majority of owners wish them to do so.

## Further information and advice

Consumer Focus Scotland has a publication called "Common Repair, Common Sense" which provides more detailed guidance in relation to organising repairs. A copy can be obtained by contacting the Council.

Renfrewshire Council can provide further support and assistance for owners who wish to organise common repairs. Information can also be found by searching on "common repairs" at the Council's website.

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

**Contact:**  
Renfrewshire Council  
Housing and Property Services  
Owner Services  
9 Clark Street  
Paisley  
PA3 1RX

**Tel:** 0141 618 5713/5712

**E-mail:** [ownersenquiries@renfrewshire.gov.uk](mailto:ownersenquiries@renfrewshire.gov.uk)

If you would like information in another language or format please ask us.

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو براے مہربانی ہم سے پوچھئے۔

ਜੇ ਇਹ ਸਾਹਕਾਰੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦੀ, ਤਾਂ ਇਹ ਸਾਥੋਂ ਮੰਗ ਲਓ।

Jeżeli chcieliby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

☎ 0141 618 6150



## Common repairs and property management

### Your **rights** and responsibilities



## Introduction

Renfrewshire Council is one of several property owners in your building. The Council cannot do any work to the building unless it has a legal basis to do so.

But, together with the Council, you and your neighbouring owners have joint responsibility for the building and have powers to make decisions on its future maintenance and upkeep.

## Common parts

While you are responsible for the upkeep of your own home, some parts of the building are the joint responsibility of all owners and these are usually referred to as the common parts of the building.

Common parts of the building may include:

- foundations and outside walls
- roof
- chimney stacks and vents
- gutters, downpipes and drainage system
- the close and stairwell
- door entry system
- bin stores and back courts
- common paths.

## Title deeds

Your title deeds normally tell you about your responsibilities for the common property. They state the location of your property, for example; top floor, right flat. They also tell you about your rights and responsibilities for your own property and your shared responsibility for the whole building.

They may also say who owns the common parts of the building, what proportional share of costs you are liable for and what your obligations are to manage and maintain the building jointly with the other owners.

Where all the flats in a building do not have the same conditions set out in their deeds, the owners can apply the rules as set out in the Tenements (Scotland) Act 2004.

## Tenements (Scotland) Act 2004

The Scottish Parliament passed the Tenements (Scotland) Act in November 2004. The Act aims to ensure that the communal parts of the buildings are kept in good repair and that all tenements have a scheme for the management and maintenance of the building.

This law affects every owner (home, business or shop) in a building that is divided into two or more flats on different floors.

## The tenement management scheme

This is the main aspect of the Tenements Act which affects you as an owner. A majority of owners are able to take decisions about the "Scheme Property" (common parts) of your building. These decisions are legally binding and all owners are required to pay their share of costs for repair of common parts.

## Arranging repairs

Before any repairs can be carried out a procedure to establish whether there is a majority in favour of the work has to be followed.

- Any owner can call a meeting.
- One vote is allocated for each flat.
- Scheme decisions must be notified by a nominated person.
- A 28 day period must elapse to allow owners to apply to the sheriff court to have a decision overturned unless the repair is an emergency.
- An arrangement for collecting share of costs has to be agreed.

Any owner of a property is entitled to instruct an emergency repair and to re-charge any other owners in the building for their share of the costs. Emergency repairs can be carried out without prior consultation or notification to the other owners in the building.

## Does the Council organise the work?

In most cases where common repairs are reported to the Council, we will take the lead and offer to organise the work. This involves apportioning costs and getting agreement from the other owners in the building.

The Council currently charge a Management/ Administration fee for organising the work this way.

**To report a repair you can contact the Council's Repairs Call Centre on 0300 300 0300.**