

# Help with tenement repairs

## Renfrewshire Missing Share scheme

A guide for owners and  
property factors

January 2019

## **Renfrewshire Council is currently operating a Missing Shares pilot scheme.**

This is intended to help in situations where a majority of owners in an older tenement block agree to essential common repairs/maintenance, but cannot progress the work because one or more owner(s) are un-cooperative.

Subject to eligibility criteria and available resources, the Council may be able to pay the share of costs that are missing, meaning owners can get on with the work required.

The Council can then pursue the owner(s) who have not paid their share for recovery of costs, plus admin charges and interest. The interest rate will be decided by the Council.

This booklet will tell you more about Missing Shares, the pilot scheme and how to apply for assistance under the scheme.

## 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:

- The owner is unable to pay or is unwilling to pay.
- It is unreasonable to require that owner to deposit the sum in question.
- The owner cannot be identified or found by reasonable inquiry.

## What types of property are eligible?

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

For this pilot scheme, the Council is only considering paying missing shares for work to older (pre-1919) tenements. This is because older flats tend to be in poorer condition.

## What repairs are eligible?

In this pilot scheme we will only consider paying a Missing Share on essential communal repairs and maintenance. In the main, these repairs will be:

- **Roof replacement**
- **Gutter and roofline replacement**
- **Essential stonework**

## How much will the Council pay?

For each missing share, the maximum payment will be in the region of around £8,000-£10,000. The minimum payment we will pay is £500.

## How do you qualify for assistance?

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

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, there must be a majority of owners who agree to the work and who will pay their share.

Owners, or their representatives, will then need to follow certain procedures. 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, you may wish to speak to them about this.

What you need to do:

- **Close account**

Open a "maintenance account", i.e. 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 into such transactions on behalf of other owners.

- **Title deeds**

Work out the correct share of costs for which each owner is liable. 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 at [www.ros.gov.uk](http://www.ros.gov.uk), 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 underoneroof website [www.underoneroof.scot](http://www.underoneroof.scot)

- **Section 50 Notice**

Nominate a person to send a section 50 notice. 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 following information:

- 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 estimate is considered reasonable.
- What the apportioned share of the estimated costs are for each owner, explaining how this amount is reached.
- Details of the maintenance account 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 tracking barcode.

**Owners should deposit their share of the cost of work into the maintenance account by the specified date.**

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

It may be that you have not been able to get owners to agree to the works because you do not know who the owner of a flat(s) is, or you do not have their contact details. 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. Here are some sources of information which can be used by other owners to identify and contact an absent owner:

**Scotland's Land Information Service**—this 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, or may prove useful when combined with other enquiries. Further information is available at [www.scotlis.ros.gov.uk](http://www.scotlis.ros.gov.uk).

**Electoral Register**—the Electoral Register or Roll lists the name of everyone registered to vote at a property. The Register may hold information on ownership, particularly if the property is empty. Information on the Electoral Roll can be found at [www.renfrewshire.gov.uk](http://www.renfrewshire.gov.uk) and there are a range of fee based Electoral roll searches which can be found online.

**Scottish Landlord Register**—this holds details of landlords and/or agents for all let property within a local authority area and is publicly available online with a search facility. [www.landlordregistrationscotland.gov.uk/search](http://www.landlordregistrationscotland.gov.uk/search)

**People Finder Services**—Various companies can be found online. There is normally a fee charged by the company for their services.

If the property is empty, the Council's Empty Homes Officer may also be able to help. Contact Karen Rae, Empty Homes Officer at [karen.rae@renfrewshire.gov.uk](mailto:karen.rae@renfrewshire.gov.uk) or on 0141 618 6262.

## Applying for a Missing Share

After the deadline date has passed for owners to pay in to the maintenance account, you will know if a missing share(s) is required. You can then fill out the Missing Share application form, available from the Owner Services team (contact details are at the end). You should complete this form and return to the Owners Services team with the required supporting information (detailed on the application form).

## What happens after we apply?

The Council will consider the application. The Council must be satisfied that:

- The maintenance to be carried out meets the Council criteria for eligible repairs and that competitive quotations for works have been obtained.
- The section 50 notice has been served. If these conditions are met we will try to contact any owner who has not paid into the account.
- The Missing Share owner(s) does not have existing debts with the Council.

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

On completion of the works and on receipt of the final invoice, all to the Council's satisfaction, the Council will deposit the required Missing Share amount into the Maintenance Account, allowing the final bill to be settled.

## How does the Council recover the money from the owner whose share was paid?

The Council may attempt to recover any payments made in respect of missing shares from the owner whose share was paid through the Council's debt recovery procedures. This may result in legal or court action being taken. Additional administrative and interest charges will be charged to the sums paid.

## General

- Missing shares will not be paid for work already started or completed.
- 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 clarity, Renfrewshire Council will simply be making a payment which should otherwise have been made by an owner.

## What if the Council does not pay the missing share?

Payment of a missing share is at the Council's discretion. Irrespective of whether the Council pays a missing share or not, owners may be able to take legal action against the owner(s) not paying.

The Underoneroof website provides a summary on legal remedies. See [www.underoneroof.scot/articles/1231/Solicitors/Taking\\_legal\\_action](http://www.underoneroof.scot/articles/1231/Solicitors/Taking_legal_action)

## Legal and Financial Advice

None of the information in this leaflet should be construed as legal advice. Owners may wish to consult their own solicitors or other adviser to obtain independent advice.

The Council is unable to provide financial advice, and, again, none of the information in this leaflet should be construed as providing such advice.

## Useful Contact information and advice

### Underoneroof website

- [www.underoneroof.scot](http://www.underoneroof.scot)  
Contains useful information on identifying repairs, organising repairs and maintenance, working with other owners and paying for work.

### Shelter Scotland

- [www.scotland.shelter.org.uk](http://www.scotland.shelter.org.uk)  
Offers information on repairs and poor house conditions.

### Citizens Advice Bureau

- 7 Glasgow Road  
Paisley PA1 3QS  
Tel: 0141 889 2121

### Property Factors

- [www.mygov.scot/property-factors](http://www.mygov.scot/property-factors)  
Information about appointing a property factor

For further information and advice on this pilot scheme please contact:

### Renfrewshire Council's Owner Services team

- 9 Clark Street  
Paisley PA3 1RX  
Tel: 0141 618 5896/4533  
Email: [ownerservices.hps@renfrewshire.gov.uk](mailto:ownerservices.hps@renfrewshire.gov.uk)



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