

of Assistance, the Council will be able to offer advice, information and practical help with arranging and financing repairs and maintenance.

What about Insurance?

As an owner, you are responsible for insuring your own property. However, if there are common parts, in reality, you are not adequately insured unless your fellow owners are adequately insured. Where there is a common interest in certain parts of the building, you and your fellow owners are legally obliged to insure your properties for their reinstatement values. You and your fellow owners can also meet this obligation by taking out a common insurance policy that covers the entire building. The reinstatement value is the cost of re-building the entire building rather than just its market value, which may be far less.

You are entitled to request (in writing) evidence that your fellow owners have adequate insurance policies. If they do not, you can enforce this obligation in the Sheriff Court. If you have any concerns about insurance, you should seek professional or legal advice.

Further Information

If you would like to talk to someone about Common Repairs or associated issues, please contact;

Martin Smith - Private Sector Policy Officer

Tel. 01738 476172

E-mail - HousingInfo@pkc.gov.uk

This information leaflet is one of a series on private sector housing issues. To request copies of the other leaflets, please use the contact details above.



Perth & Kinross Council - August 2006

Common Repairs

Information for Owner-Occupiers

- ➔ What are Common Repairs?
- ➔ Who is responsible for what?
- ➔ The Tenements (Scotland) Act 2004
- ➔ Why should I maintain my property?
- ➔ Where can I go for help/advice?

What are 'Common Repairs'?

As an owner-occupier, you have sole responsibility for the repair and maintenance of your property. If you live in a building that is divided into two or more properties, you may also be jointly responsible for those parts in which you have a common interest. Parts of the building in which there may be a common interest include;

- ➔ Foundations
- ➔ Chimney Stacks, Vents & Flues
- ➔ The Roof
- ➔ Mutual Gable Walls
- ➔ Gutters and Down-pipes
- ➔ Security Entry Systems

Your Title Deeds may contain a Deed of Conditions or other document that clarifies your common repair responsibilities. If the Deeds do not cover this issue, you may still be responsible in terms of the Tenements (Scotland) Act 2004.

Tenements (Scotland) Act 2004

This relatively new law affects every owner in a building which is divided into two or more properties on different floors. It applies to residential, business and commercial premises alike. One of the main difficulties with common repairs is that often, some owners are reluctant to contribute towards the repair costs.

The Act aims to ensure that common parts of buildings are kept in good repair by setting out a decision-making structure that should make it easier to carry out repairs where there is disagreement amongst owners. In most cases, this means that repairs can be carried out with the agreement of the majority of owners.

If your Title Deeds or those of your neighbours do not adequately cover common repairs, the Tenements (Scotland) Act 2004 will apply.

If you need specific advice about your Title Deeds or how the Tenements (Scotland) Act 2004 affects you, you should consult your solicitor.

Why Should I Maintain my Property?

If you neglect to carry out regular maintenance work, it is likely that you will eventually be faced with costly repair bills. Similarly, if you ignore repairs that already need done, these will deteriorate further and will ultimately cost more to put right.

The Housing (Scotland) Act 2006 will introduce significant changes to the way properties are bought and sold. From 2008, sellers will be required to provide buyers with a 'Single Sellers Survey' which will give a detailed assessment of the condition of the property as well as its value. If repair and maintenance work is not carried out as required, this will ultimately be reflected in the value of your property.

What if I Can't Afford it?

The Council is currently developing a 'Scheme of Assistance' which will detail the various ways in which the Council can help owners. It is anticipated that Grants will continue to be available but only in very limited circumstances. Generally, owners will be expected to pay for repairs by releasing some of the equity in the properties where possible or by using some other form of loan finance or savings. Through the Scheme

