

Private Landlord Registration - Landlord Guide to Mutual Owners repairs

Who are Mutual Owners with Fife Council?

These are owners whose flats/houses were originally bought from the Council under the Right to Buy scheme and have joint responsibility for the management, maintenance and repair of the shared (common) parts of the property with Fife Council.

What are shared repairs?

Shared repairs are those carried out to any common part of a property (served or used by 2 or more flats or houses.) These can include stairs, stairwells, partition walls, roofs, chimney stacks, rhones, downpipes, service cables, door entry systems, foundations etc.

How do you know what your shared repairs are?

Your title deeds prove that you own your own flat/house. They also show which parts you own and which parts of the property you jointly own with others. You can get copies of your own title deeds, or others from the Registers of Scotland for a small fee. Your title deeds will inform you what the shared responsibilities are for repairs and maintenance. It will also tell you who is responsible, who owns what and how decisions should be made regarding shared (common) repairs. You are required to follow the rules within your title deeds. The Tenements (Scotland) Act 2004 can help to resolve any repair matters and determine if these are shared (common responsibility) if these are not clear or omitted from your title deeds.

How do I report shared repairs?

A shared repair can be reported either by an owner or a council tenant. Reporting a repair is easy and can be done by contacting any of the following:-

- Fife Council Contact Centre (Mon – Fri 8am – 8pm) – 03451 55 00 11
- Fife Council Contact Centre Out of Hours (From 8pm weekdays, 24 hours at weekend and public holidays) – 03451 55 00 99
- Your Local Neighbourhood Office
- The Mutual Owners Team - email mutual.owners@fife.gov.uk

Who will deal with the repair that I have reported?

The Mutual Owners Team will receive details of the repair. Their role is to assist owners with shared (common) repairs. Once a repair has been reported, the Mutual Owners Team will carry out an inspection to establish the nature, extent and urgency of the repair. They will then contact the relevant owners within the block to confirm their share of the works and to provide a basic breakdown of the costs. Owners will have the opportunity at any point to lead on repairs themselves, should they desire to do so.

What happens if an owners disagrees with a repair?

Each owner has the right to object or disagree with the need for a repair (unless it is an emergency repair). However this would not prevent a repair being carried out if more than 50% of the owners agree to the works. An owner has the right to challenge this through a legal process in line with the Tenements (Scotland) Act 2004.

What is an emergency repair?

This is an essential repair that need to be carried out where there is a health and safety risk or potential for further damage to a property, for example if water was leaking into a property from the roof. Immediate action would be taken to stop the leak. Any owner can carry out an emergency repair to the property and seek a share of the cost from all owners.

How do I pay for the repair?

Upon completion of the works, an officer from the Mutual Owners Team will inspect to confirm the works have been completed to a satisfactory standard. An invoice will then be issued to each owner. Details of how to make payment will be included with the invoice. Payment by instalment is available and contact details are included on the invoice.

What if I don’t pay my share of the repair?

Fife Council will take formal steps to recover outstanding balances owed to them regarding shared repairs. This can include debt recovery approaches and placing outstanding debt on an owner’s title deed.