

## Missing Shares Factsheet

West Dunbartonshire Council, Environmental Health Section, have the power to assist home owners in common property, eg tenements, 4 in a block etc, to carry out necessary repairs and maintenance to their property.

Ongoing maintenance and repairs are essential to ensure that the common fabric of the building remains in a suitable condition, eg structurally stable, wind and water tight etc.

One way in which we can assist is by paying a 'missing share' for maintenance where an owner is unable or unwilling to pay their share of maintenance costs.

West Dunbartonshire Council will then recover the costs from the non paying owner normally by means of a Repayment Order placed on the title deeds for that property. Legal and Administrative costs are added to any repayment to ensure that this scheme is cost neutral to West Dunbartonshire Council. Interest charges may also be applied to the debt to the Council.

The following rules apply to 'missing share' payments and are explained further in the notes below. It should be noted that West Dunbartonshire Council will take no ownership or responsibility for organising or supervising any maintenance work, even when they have paid a missing share towards it. This will remain a civil matter between the joint owners and the companies who carry out the work.

The Council may pay a missing share where:

- **A majority of owners have agreed to carry out maintenance/repairs**
- **All owners have been notified to pay their share of maintenance costs into a common maintenance account.(Such notifications and maintenance account set up to be arranged by the relevant property owners)**
- **An owner/owners has not deposited their share by the agreed date**
- **One of the paying owners has applied to the Local Authority to have this missing share paid**
- **The proposed work is reasonable**
- **The allocation of costs is correct**

The minimum share amount payable by the Council is £500 and the maximum share payable is £4000.

### Notes

- 'majority' is a simple majority, eg 4 out of 6 owners, or 5 out of 8 owners etc
- Each property gets 1 'vote' when deciding if a majority exists or not.
- All owners must be notified in writing that maintenance has been agreed and they should be notified of the date by which they have to pay their share into the common maintenance account.
- A common maintenance account will be necessary and is easily set up with any bank/building society. A factor is a suitable alternative to a maintenance account, if they are willing to act as such.
- If an owner(s) does not pay their share by the agreed date then an application for should be completed and submitted to the Environmental Health Section.
- Most forms of maintenance will be included within the scope of this scheme, this will include gutter cleaning, close painting, garden maintenance, as well as more common matters such as roof repairs.
- Work will be considered 'reasonable' if the majority of owners have been consulted and different options have been explored and a final option has been agreed by the majority.
- Costs should be allocated in terms of the burdens within the title deeds, eg each flat pays 1/6<sup>th</sup> of the total.
- Commercial properties on the ground floor of tenements are included within this scheme.

**If you wish to apply for a missing share or want to discuss a common maintenance issue then please contact West Dunbartonshire Council Environmental Health at:**