# Duty to Maintain Letter Template

15 Wallace Terrace

UO1 R00

7th May 2019

Dear Ms Mackenzie

**COMMON REPAIRS REQUIRED TO 15 WALLACE TERRACE**

As co-owners of a tenement building, we all have a legal duty to maintain our building so as to provide support and shelter (s10 Tenements (Scotland) Act 2004).

I have asked you by letter sent on the 5th February to co-operate with essential gutter repairs to our jointly owned property and, having received no satisfactory reply from you, have very reluctantly decided that I now need to enforce repairs and take action using the rights that are available to me under the law.

The repairs required are:

* Replace 2 sections of rear gutter
* Clean front and back gutters

I believe that these repairs are reasonable as they are required to keep our walls dry and prevent the occurrence of rot. This directly affects the building’s structure. Carrying out these repairs speedily will also save us money in the long term.

Your share of the cost of these works is £250. These costs have been calculated on the basis that all owners pay equal shares and the total cost of the repairs is £1000.

The following owners have already agreed to pay their share of the cost:

* Mr & Mrs Shah (0/1)
* David Jones and Emma Smith (0/2)
* Pension Pot Properties (1/1 and 3/2)
* Mrs Scott (1/2)
* Sergei Kryck (2/2)
* Myself (3/1)

While I would much prefer that you paid your share immediately by deposit to our maintenance account (Royal Bank of Scotland Sort code 84 85 86, account number 0123456), I am prepared to take unilateral action to ensure that these repairs are undertaken. The Duty to Maintain allows me to do this and to recover appropriate costs from other owners. I have quoted the relevant sections of the Act at the end of this letter.

Accordingly, on the 5th June I will be commissioning the required repairs and then seeking repayment from you once work is complete.

If I do not receive payment within 14 days of sending final bill, I will use further provisions of the Tenements Act to seek payment of the sums by seeking a decree for payment in the Sheriff Court.

It is my understanding that you have 28 days of this letter to appeal to the Sheriff Court if you think these works are unreasonable or that you are being asked to pay more than your required share of the costs. You should note that, if the Sheriff finds in our favour, you could be asked to pay our share of legal costs as well as your own.

I hope however that you will co-operate in these works so that unnecessary legal costs are not incurred. If you wish to speak to me about this, please contact me at the address above.

If you wish to obtain further information about your position, may I refer you to the Under One Roof website which gives guidance to owners of tenements and other buildings containing flats. ([www.underoneroof.scot](http://www.underoneroof.scot)). The website will also direct you to other advice services and sources of financial help.

Yours faithfully,