



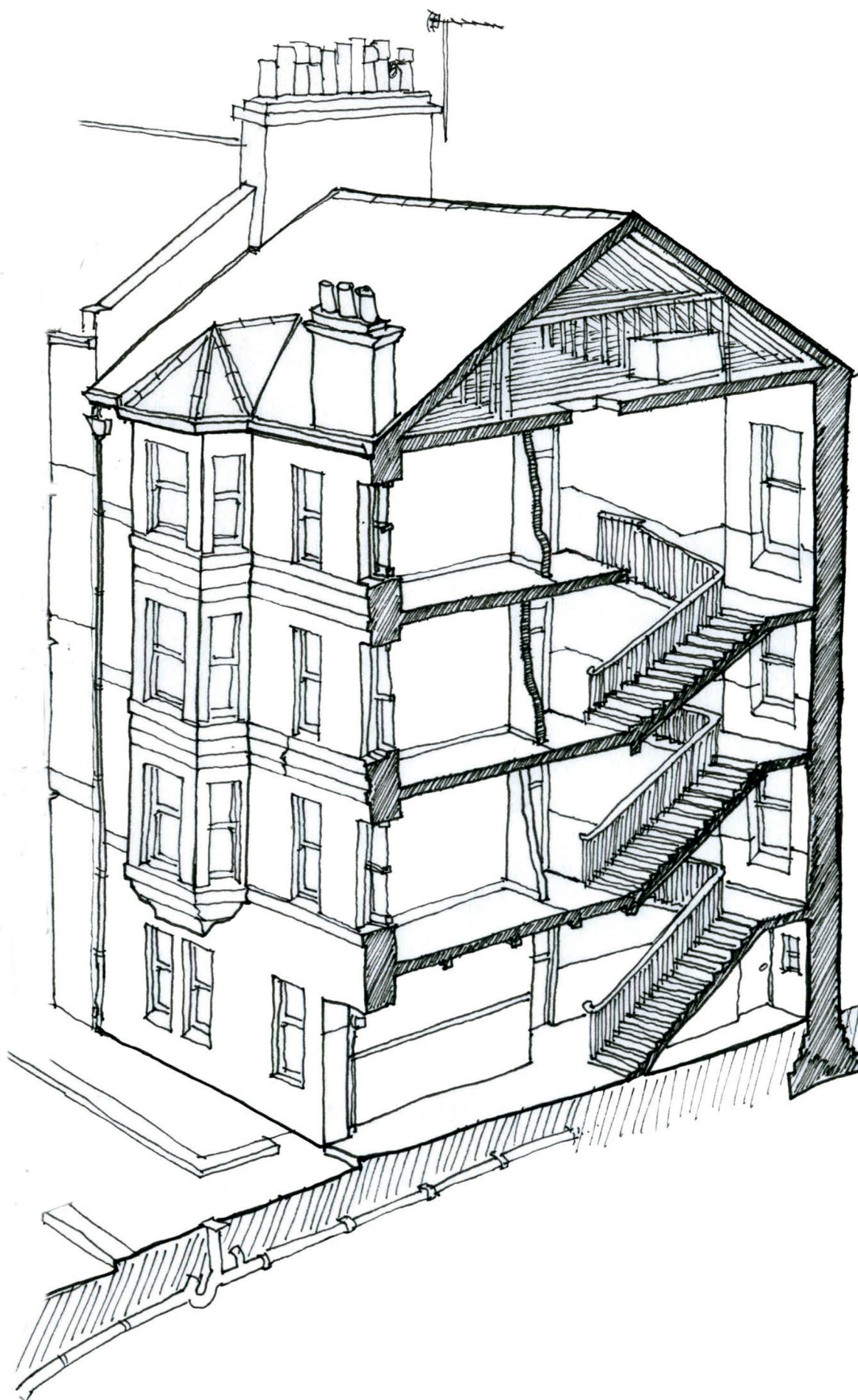
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GOVERNING SCOTTISH TENEMENTS:

DEMOCRATIC SKILLS
FOR SUSTAINABLE
TENEMENT STEWARDSHIP

 Under One Roof



This toolkit was developed within the Hunter Centre for Entrepreneurship, Strategy, and Innovation of Strathclyde Business School, University of Strathclyde, and supported by the Strathclyde Institute for Sustainable Communities.

It has been developed in partnership with Under One Roof. Under One Roof is Scotland's only charity providing free, impartial information to owner-occupiers, landlords, factors and other housing professionals on tenement maintenance, common repair management, and retrofit support.

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As part of the UKERC-funded project, researchers from Strathclyde produced a case study of the challenges facing tenement retrofit, findings from which are published in the journal *Energy Policy* in the paper 'Under one Roof: The Social Relations and Relational Work of Energy Retrofit in Multi-owned Properties' ^[1].

This toolkit builds on the findings from this research and more recent outreach activities. This includes a workshop which was held on the 18th of March 2024 that brought property factors together with flat owners' representatives, technical specialists, local authority housing officers, solicitors, and other housing professionals to explore the challenges and opportunities for property factors to play an enhanced role in tenement retrofit. It also includes a workshop on the 18th of December in which owners were invited to provide oral feedback on an early draft of this toolkit.

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1 INTRODUCTION

1.1 What is the problem that this toolkit aims to address?

Scottish tenements, which make up 36% of Scotland's households [2] and represent the single most common form of housing in the country [3], are often poorly governed. Decision-making processes are not working as well as they should to ensure the ongoing maintenance of buildings.

This is most visible in the condition of older tenements. Pre-1919 buildings account for 31% of the tenement stock (around 184,000 dwellings) [4]. As of 2019, more than two-thirds (71%) of pre-1919 buildings were reported to be in a state of critical disrepair [4]. This term refers to situations where key elements of a building (such as the roof, walls, or structural timbers) are in such poor condition that, if not repaired, the building will deteriorate further.

Poor maintenance has serious consequences. It creates inadequate housing conditions, often characterised by cold, damp, and mould with dire implications for the occupants' health [5]. It creates hazards from falling masonry, resulting in injury or even death, for example, in the tragic case of a 26-year-old woman who died from head injuries after masonry fell through a tenement roof in Edinburgh in June 2000 [6]. Sadly, more recent examples show that poorly maintained Scottish tenements continue to represent a hazard [7].

At the same time, the challenge of maintaining tenements is directly linked to Scotland's climate commitments [8], [9]. Achieving a net-zero housing stock requires robust systems to ensure that basic maintenance is in place. Without this, Scotland risks falling short of its targets while leaving too many people living in fuel poverty.

There is now growing recognition that tenement governance must improve. Legislative reforms are being discussed, including compulsory owners' associations, building reserve funds, and five-year inspections [9], [10]. In 2025, the Scottish Law Commission published a report and draft bill on compulsory owners' associations [11].

In the years ahead, then, it is clear that tenement owners will need to be more active in the governance of their buildings, to address the backlog of repairs and to improve safety, reduce carbon emissions, cut energy costs, and prepare for and adapt to regulatory change.

Many flat owners will need support to achieve this. They will need help to develop the skills required to manage the collective decision-making processes essential for effective tenement governance. This toolkit seeks to contribute by helping owners build those skills. However, it is not the intention of the authors of this toolkit to suggest that these skills alone will be sufficient to address long standing issues in tenement maintenance. Given the scale of the potential costs involved in addressing the backlog of repairs, there is a strong case for greater financial support and for larger-scale coordination of renovation efforts to ensure that Scotland's tenement buildings are made fit for the coming century. Within this wider context, the value of this toolkit lies in equipping owners with the practical skills and confidence needed to play an active, effective role in a broader movement to protect and enhance Scotland's tenement building stock.

1.2 Who is this toolkit for?

This toolkit is primarily intended for flat owners, whether they are struggling to set up an owners' association, working to make an existing association function better or preparing their building for the transition to net zero.

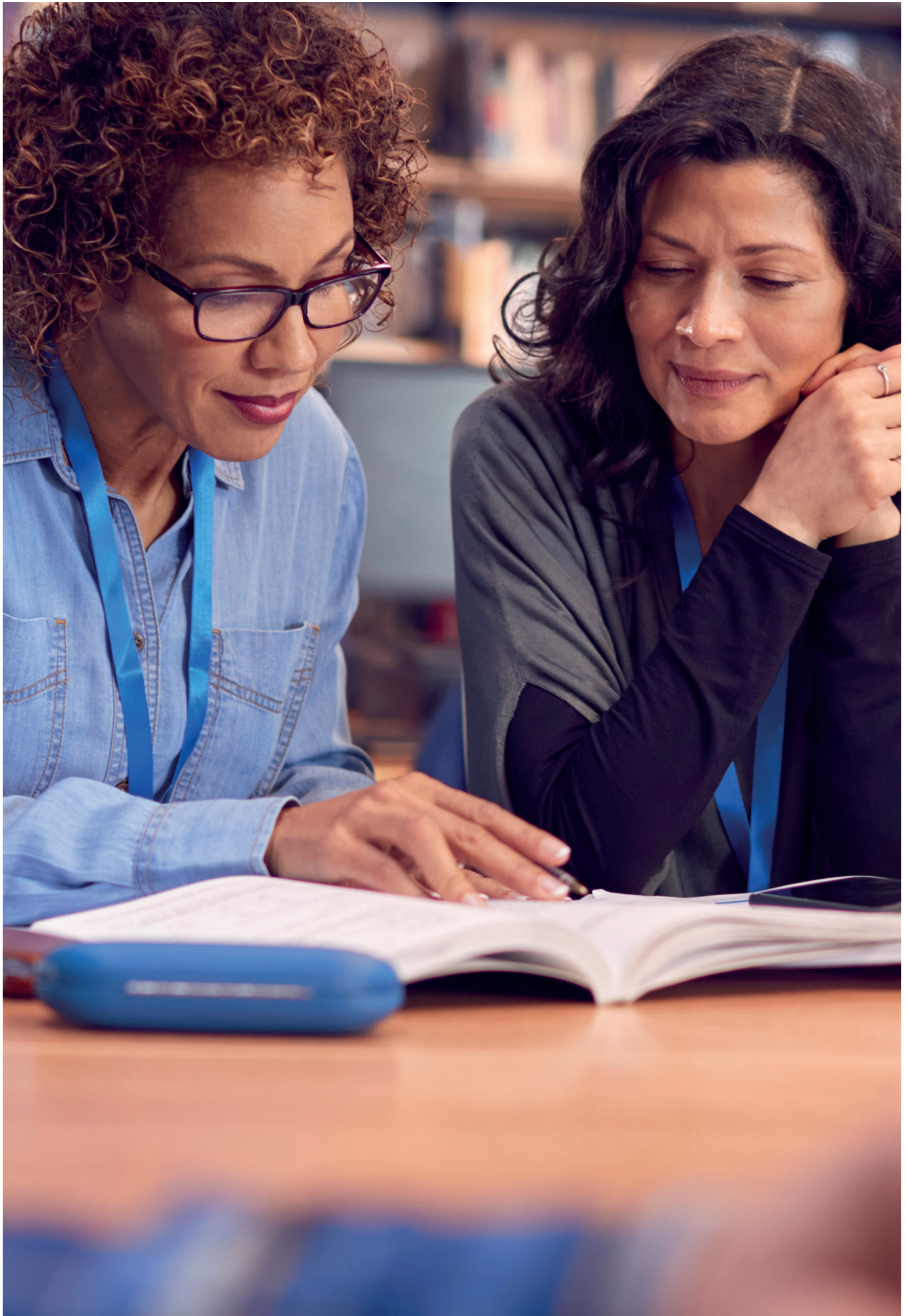
Although this toolkit is designed primarily for owners, it also contains material relevant to other stakeholders involved in tenement maintenance and improvement. These include tenants, who may not have a vote in tenement governance but may still find the democratic tools useful for making their voices heard in decision-making in their building. The toolkit is also relevant to professionals such as property factors, local authority employees, surveyors, and architects; Section 6 is particularly designed for those who play a facilitative role in owners' associations, as well as for owners who wish to take a leading role in improving their tenement building.

1.3 What will you learn in this toolkit?

In this toolkit, you will learn how democratic skills can support the creation, management, and development of owners' associations. These skills enable people to contribute to decision-making, respect others' rights, and work collaboratively for the collective good. The democratic skills addressed in this toolkit are knowledge, reasoning, communication, and interpersonal skills. You will learn how to apply these skills to approach a range of common challenges faced in the running of tenement buildings.

At the outset, however, it should be acknowledged that owners' associations, like any other form of human organisation, are imperfect. Across Scotland, flat owners commonly raise several concerns. Sometimes a small group of owners end up doing the bulk of the association work, in the face of indifference or apathy from other owners. At other times, a small group can take over, making it hard for other owners to get their views heard. Sometimes, the factor struggles to get support from the owners and finds completing repairs very difficult.

While this toolkit sets out an ideal way of managing owners' associations, owners' groups who cannot achieve the ideal should be kind to themselves, get on with the repairs, and keep working to be more inclusive and democratic the next time.



While improved governance in the form of better and more inclusive decision-making through owners' associations will help with tenement maintenance, it must be recognised that this can never be enough by itself, and significant financial intervention will be required to deal with the backlog of tenement repairs that has been allowed to build up. For some owners' groups, preventing their tenement decaying further will be the best that they can achieve unaided.

1.4 How to use the toolkit

The toolkit is divided into sections that address practical and broad themes.

To understand what democratic skills are and why they are helpful for good tenement governance, refer to Section 2. This section introduces the four key 'skills types' used in the toolkit (Knowledge Skills, Reasoning Skills, Communication Skills, and Interpersonal Skills), provides useful definitions of all the democratic skills used in the toolkit and gives examples of their application to tenement governance (see Table 2).

The main body of the toolkit, from Section 3 to Section 5, is organised around the common challenges owners may encounter in tenement governance. These sections are designed to function as a practical manual: owners can identify the problem they are facing, look it up in the toolkit, and find guidance and resources to help them address the issues they are facing.

Sections 3, 4 and 5 are organised around three themes, within which a range of common challenges are presented, as follows:

Theme 1 (Section 3): Forming a new owners' association.

What are our legal rights and responsibilities in our tenement?

Section 3.2

How do we start working with other owners?

Section 3.3

What is an owners' association and how do we set one up?

Section 3.4

What can we do beyond adopting a constitution to make our owners' association work better?

Section 3.5

Theme 2 (Section 4): Maintaining an owners' association.

What are the rules for decision-making and sharing costs in our tenement?

Section 4.2

How should an owners' association be run?

Section 4.3

How do you manage the finance of an owners' association?

Section 4.4

How do you manage ongoing maintenance?

Section 4.5

How do we deal with uncooperative or disruptive co-owners?

Section 4.6

Theme 3 (Section 5): Collaboration between a number of owners' associations.

What are the advantages and disadvantages of collaborating between owners' associations

Section 5.2

What organisation types are appropriate for larger scale organising?

Section 5.3

Each challenge is addressed in two ways. First, to strengthen knowledge and skills, key information and resources are provided to support good decision-making in relation to the challenge. This material follows a consistent format, beginning with a concise overview of the key issues (labelled 'key issues in brief'): each overview includes a description of the challenge, a summary of the essential knowledge needed to address it, and a selection of useful resources for further guidance. This is followed by a section offering a more detailed explanation of the core concepts and information relevant to the challenge.



Second, for each challenge, two examples are included to illustrate how reasoning, communication, and interpersonal skills can be used to address these challenges.

The format of these examples, along with an illustrative case, is presented in Table 1.

Table 1 - Democratic skill use: how the examples are presented

Element	Explanation	Example
Challenge Quote	A short, realistic statement showing how someone might express a problem in everyday conversation, helping to make the challenge relatable and grounded in real experience.	Example: “I always thought the top-floor owners had to deal with the roof, not everyone.”
Details	Provides a short and clear description of the problem.	Owners make assumptions about who is responsible for different parts of the tenement (e.g. roof, foundations, stairs), often based on hearsay or incomplete knowledge.
Suggestion	Explains how a specific democratic skill can be applied to address the issue. It links the skill (such as critical thinking or cooperation) to a practical way of overcoming the problem.	Apply identifying assumptions to challenge unverified beliefs and cross-check with titles, the Tenements (Scotland) Act 2004, and the Tenement Management Scheme.
Response Quote	Illustrates what someone using that skill might realistically say or do to help solve the issue. It demonstrates constructive, democratic behaviour in practice.	“Let’s not just assume. The titles don’t mention the roof so let’s check the Tenement Management Scheme and see what it says”.

Section 6 is designed to provide resources to allow individuals to gain a deeper knowledge of democratic skills. It will be helpful for owners who wish to take a leading role in building or managing their owners’ association, but it will also be helpful for professionals who may have a role in facilitating the work of owners’ associations (such as property factors or relevant council officers). The aim of Section 6 is to provide resources to help individuals gain confidence in using democratic skills so that they can draw on them easily and effectively when faced with the kinds of practical challenges addressed in sections 3 to 5.

2 Democratic skills for tenement governance: an overview of the different skills used in the toolkit

Effective governance of tenement buildings depends on democratic skills and practices [12], [13]¹. ‘Democratic skills’ are abilities, habits and behaviours that help individuals participate effectively and responsibly in democratic processes, whether in government, organisations, or community life².

This toolkit revolves around four key democratic skill types.

- **Knowledge Skills:** Having the basic knowledge required to contribute effectively and meaningfully.
- **Reasoning Skills:** The ability to think critically, weigh evidence and make informed, fair decisions.
- **Communication Skills:** The ability to express ideas clearly, understand others and engage in dialogue.
- **Interpersonal Skills:** The ability to relate to others, manage emotions and build respectful relationships.

Table 2 shows some more specific examples of these key skills and gives definitions and examples of their use in tenement governance.

Table 2 – Definition of skill type, examples of skill type and examples of how skills used in tenement governance³

Specific skills related to the skill type	Definitions of specific skills	Examples in tenement governance
KNOWLEDGE SKILLS		
Developing sufficient knowledge to contribute meaningfully	Possessing enough relevant understanding and context to offer informed opinions and recommendations that influence a decision.	• Being aware of owners’ /residents’ rights and obligations. • Understanding the financial budget or maintenance plans.
Having knowledge about correct and fair decision-making processes	Understanding how decisions are structured, evaluated and finalised within a group or organisation.	• Knowing voting procedures in your tenement. • Knowing decision-making rules in your tenement.
Knowing how to learn effectively	Being able to use strategies and habits that help you understand, retain, and apply new information effectively.	Continually improving your understanding of tenement maintenance and governance to better contribute to the running of your tenement.
Knowing how to find reliable information	Being able to locate, evaluate and select trustworthy sources to support accurate understanding or decisions.	Knowing where to source and evaluate reliable information on tenement maintenance, improvement, and governance.

¹For a full account of the relationship between democracy and tenement governance refer to ‘Appendix A: Rationale for the approach taken in this toolkit’.

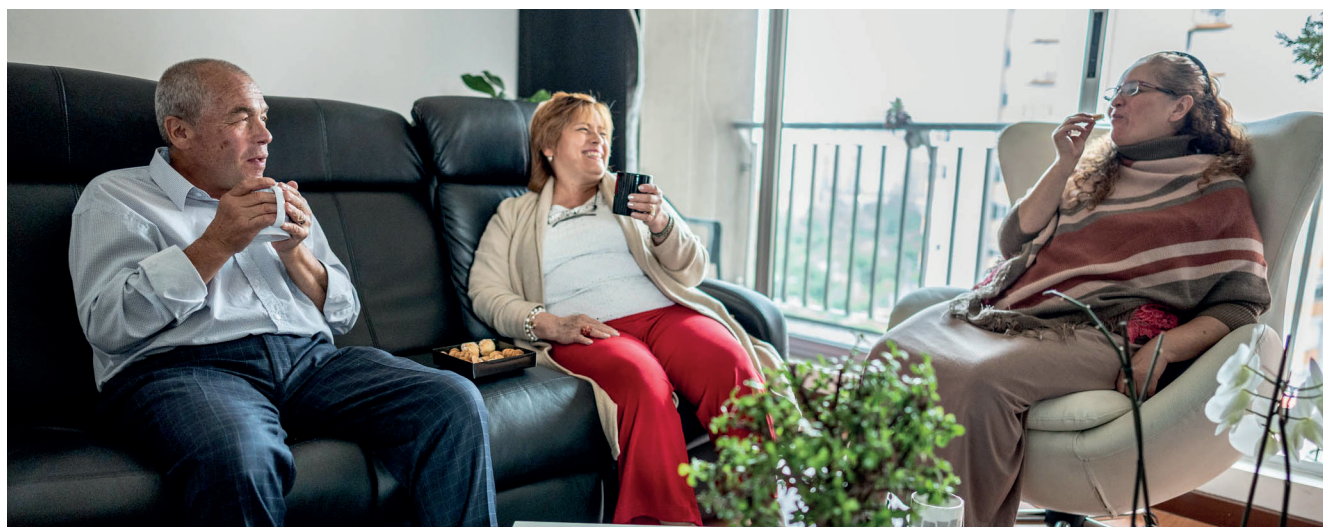
²In this toolkit, we use the term democratic skills intentionally. While the concepts we cover could also be described as competencies, we chose the word ‘skills’ because it is more familiar and accessible to our readers. Framing them as skills emphasises that these are abilities people can actively develop and practice in everyday life, rather than abstract knowledge.

³To understand how this table was derived see ‘Appendix B: toolkit methodology’

DEMOCRATIC SKILLS FOR SUSTAINABLE TENEMENT STEWARDSHIP

Specific skills related to the skill type	Definitions of specific skills	Examples in tenement governance
REASONING SKILLS		
Problem Solving	The ability to identify an issue, analyse possible solutions and choose an effective way to resolve it.	Co-owners work together to find a practical solution for recurring damp by reviewing repair options and agreeing on a maintenance plan.
Critical Thinking	The ability to objectively analyse information and arguments before forming a judgement.	An owner questions whether a proposed contractor quote is reasonable by examining the details rather than accepting it immediately.
Logical Thinking	The ability to use clear, structured reasoning to reach sensible conclusions.	Owners notice that repair costs rise when issues are left too long, so they agree to carry out regular inspections to prevent bigger expenses later.
Weighing Evidence	The ability to compare different pieces of information to decide which is most reliable or important.	Comparing quotes for building repairs and assessing value.
Prioritisation	The ability to decide which tasks or issues should be addressed first based on importance or urgency.	Deciding between short-term fixes or long-term investments in the building.
Evaluating Consequence	The ability to consider the possible outcomes of different decisions before acting.	Residents consider that delaying stair repairs could lead to higher future costs and potential safety risks, so they decide to act sooner rather than later.
Identifying Assumptions	The ability to recognise beliefs or ideas that are accepted without proof.	Challenging a proposal for building work by identifying assumptions upon which the decisions are made.
Making Comparisons	The ability to examine similarities and differences between options to support a decision.	Owners compare multiple contractor quotes to choose the best value and quality for repairs.

Specific skills related to the skill type	Definitions of specific skills	Examples in tenement governance
COMMUNICATION SKILLS		
Active Listening	The practice of fully focusing on, understanding, and responding to a speaker, using both verbal and non-verbal cues to build trust and reduce misunderstandings.	A chairperson maintains eye contact and nods to show understanding while residents speak in a meeting.
Questioning	The ability to ask clear and relevant questions to gather information or clarify understanding.	Asking clarifying questions during an owners' association meeting.
Giving and Receiving Feedback	The ability to offer and accept constructive comments to improve outcomes or performance.	Giving constructive feedback on a budget proposal.
Summarising and Paraphrasing	The ability to restate key points briefly to confirm shared understanding.	The meeting chair summarises the agreed repair plan at the end of the discussion.
Tone Management	The ability to communicate in a respectful and appropriate tone, even during disagreements.	A co-owner raises concerns about costs calmly to keep the discussion constructive.
Adapting Communication for Audience	The ability to adjust communication style and detail depending on who you are speaking to.	A co-owner explains maintenance costs in simple terms for new owners who are unfamiliar with the process.
Non-verbal Communications	The ability to use and interpret body language, facial expressions, and gestures to support communication.	A chairperson maintains eye contact and nods to show understanding while residents speak in a meeting.



DEMOCRATIC SKILLS FOR SUSTAINABLE TENEMENT STEWARDSHIP

Specific skills related to the skill type	Definitions of specific skills	Examples in tenement governance
INTERPERSONAL SKILLS		
Self-awareness	The ability to recognise your own feelings, behaviour, and how they affect others.	A co-owner recognises that their blunt communication style can come across as dismissive, so they choose more considerate wording to avoid discouraging neighbours from sharing their views.
Self-regulation	The ability to manage emotions and reactions in a constructive and controlled way.	Managing a heated debate respectfully during an association meeting.
Empathy	The ability to understand and consider other people's feelings and perspectives.	Listening with empathy to an elderly resident's concern.
Cooperation	The ability to work together with others to achieve shared goals.	Working with a neighbour on a shared maintenance issue.
Conflict Resolution	The ability to address disagreements and find solutions that are acceptable to everyone involved.	De-escalating tension during a disagreement over costs.
Respect for Others	The ability to treat people fairly, politely and value their opinions.	Residents allow everyone a chance to speak during meetings, even when opinions differ.



3 Forming a new association

3.1 Summary of key challenges

There are four key challenges addressed in this section:

- What are our legal rights and responsibilities in our tenement?
- How do we start working with other owners?
- What is an owners' association and how do we set one up?
- What can we do beyond adopting a constitution to make our owners' association work better?

3.2 What are our legal rights and responsibilities in our tenement?

3.2.1 Key issues in brief

CHALLENGE

Many owners are unaware of their legal rights and responsibilities for the tenement building in which they live and/or where they are a landlord.

Notes	Key resources
Flat owners are jointly responsible for the shared parts of the tenement and need to arrange the maintenance or improvement of these parts with the other owners. Responsibilities, however, vary from tenement to tenement.	See the Consumer Focus Scotland guide [14] on tenement property owners' rights and obligations.
Key responsibilities of the flat owners are laid out in owners' titles. Titles are the primary method for determining rules around decisions, split of shares and parts of the building that are common.	There are several sources which explain the role of property titles in indicating responsibility in tenements. These include explainers produced by the Scottish Government [15], Registers of Scotland [16] and Under One Roof [17].
Where the required information is absent from the titles, owners should consult the Tenement Management Scheme (TMS) (Schedule 1 to the Tenements (Scotland) Act 2004) to clarify their responsibilities.	The Tenement Management Scheme (TMS) can be found in full here [18]. In addition, there are several sources which explain the role of the Tenement Management Scheme and how it relates to responsibility in tenements. These include explainers by the Scottish Government [19], Under One Roof [20] and Shelter Scotland [21].
Property factors are not responsible for the maintenance or improvement of the building other than what is recorded in their Written Statement of Services. They act only as agents of the owners.	See section 4.3.2.4 for more detail on the role of property factors.
Owners have a Duty to Maintain their property. This duty gives any owners affected by a lack of maintenance certain rights to enforce this duty.	Under One Roof provide a helpful explainer of the Duty to Maintain here [22]. Legislation concerning the Duty to Maintenance is found in the Explanatory Notes to Tenements (Scotland) Act 2004, Section 8 [23].



3.2.2 More detail

If you own a flat, you're usually responsible for helping to look after the key shared parts of your tenement building. These parts might also be known as 'common areas'. What is considered a common area will vary from building to building. To find out what parts of a specific tenement are considered as common areas you will need to consult legal documents, such as the titles of the property and / or the Tenement Management Scheme (see Section 3.2.2.1, below). With that in mind, common areas often include:

- The roof
 - The stairs, close and fire escape
 - Foundations and external walls
- See guidance on the responsibility of tenement owners [here](#) [19].

Some common parts of a tenement are only owned by some and not all the flat owners. Such parts are sometimes referred to as 'mutual' rather than common [24], although this categorisation is not in the 2004 Act. Here the responsibility of repair applies only to those who use and benefit from the specific element, such as chimneys serving particular flats, drainpipes for one section of the building, or stairs and cupboards used by a limited group of residents.

- See the Under One Roof Guide to Mutual Repairs [here](#) [24].

3.2.2.1 Key documents identifying responsibility

There are two key documents for determining responsibility: the titles of a property and the TMS.

TITLES

In Scotland, the title to a property is the legal proof of ownership and shows who owns the property and any rights or restrictions affecting it⁴.

Your titles are normally registered in the Land Register of Scotland, though where a property has not been sold for many years, it can be found in the Register of Sasines.

The conditions in property titles, known as "real burdens", are obligations that go along with the ownership of the flat. These rules and obligations support tenement governance, for example, ensuring that the owners maintain or contribute to the maintenance of the common parts.

Property titles often explain:

- Your responsibilities for maintaining shared (common) areas.
 - How decisions about maintenance should be made (see Section 4.2).
 - How the costs of maintenance should be divided between owners (see Section 4.2.2.4).
- To understand what areas you're responsible for, it's important to check your property titles.
- You can get a copy of your or any other owner's titles from Registers of Scotland [25], the solicitor, or your mortgage lender may also have copies.
- See the Under One Roof guide to finding titles [here](#) [26].

TENEMENT MANAGEMENT SCHEME

The Tenement Management Scheme (TMS) provides a default set of rules when the property titles are unclear, incomplete, unworkable (i.e. real burdens refer to eight flats when there are nine), or silent about certain responsibilities. The TMS is found in Schedule 1 of the Tenements (Scotland) Act 2004.

The 2004 Act sets out rules on what it describes as "scheme property" (often referred to as common property). See TMS rule 1.2. There are three categories:

- (a) any part of the tenement that is the common property of two or more of the owners, for example the stairs and communal hallway;
- (b) any part of the tenement (not falling within category (a) above) which requires to be maintained by two or more of the flat owners under a condition in the titles, for example the titles may require the entry phone system to be maintained by all the owners; and

⁴ Since 1981, land and buildings in Scotland have been moving from the older Register of Sasines to the newer Land Register of Scotland. This usually happens when a property is sold or otherwise transferred. The current relevant legislation is now the Land Registration etc (Scotland) Act 2012. When a property is registered in the Land Register, a single digital title sheet is issued to replace the old paper Sasine deeds.

(c) the following key parts of the building (so far as not falling within categories (a) and (b) above);

- (i) the ground on which it is built;
- (ii) its foundations;
- (iii) its external walls;
- (iv) its roof (including any rafter or other structure supporting the roof);
- (v) if it is separated from another building by a gable wall, the part of the gable wall that is part of the tenement building; and
- (vi) any wall (in so far as not already mentioned), beam or column that is loadbearing.

TMS rule 1.3 follows on to set out exemptions to parts which might otherwise fall within (c) above, such as extensions forming part of one flat, or doors and windows serving only one flat.

In relation to category (a) scheme property, owners will be liable for the maintenance costs in proportion to their share of the property. So if six flats are responsible for that part of the property, the costs of maintenance are divided equally by six.

For parts of the building that are covered by category (b) and (c) scheme property above, costs are again shared equally unless flats are of very different sizes, in which case costs are divided as per floor area (TMS rule 4.2).

For costs to be divided by floor area, the largest flat will have to be more than one and a half the size of the smallest flat, when liability is decided in proportion of floor area. This may require detailed measurement.

- Consult the Tenement Management Scheme [here](#) [18].
- For assistance in understanding responsibilities contact your property factor or a solicitor specialising in property law.

3.2.2.2 Duty to Maintain

Under Section 8 of the Tenements (Scotland) Act 2004, all owners have a legal duty to maintain parts of the tenement that provide support and shelter (such as leaking roofs, rotten structural timbers, or damage around windows) [22]. This is referred to as a Duty to Maintain. Section 8 also makes clear that any owner “can enforce the duty if he or she is, or would be, directly affected by breach of the duty” [27].

- See also Section 4.2.2.3: Duty to Maintain and voting thresholds, and
- Section 4.6.2.1: Enforcing the Duty to Maintain.

- See this guide to the Duty to Maintain [here](#) [22].

3.2.2.3 Housing standards

Different house condition standards apply to different tenures.

- The tolerable standard for all residential dwellings.
- The repairing standard for private landlords and operators of short-term lets.
- Licensing of houses in multiple occupation.

3.2.3 Examples of using reasoning skills to support understanding of tenement rights and responsibilities

3.2.3.1 Co-owners make (false) assumptions about who is responsible for different parts of the tenement

Challenge Quote	“I always thought the top-floor owners had to deal with the roof, not everyone.”
Details	Owners make assumptions about who is responsible for different parts of the tenement (e.g. roof, foundations, stairs), often based on hearsay or incomplete knowledge.
Suggestion	Apply identifying assumptions to challenge unverified beliefs and cross-check with titles. If the titles are silent on this issue, refer to the Tenement Management Scheme within the Tenements (Scotland) Act 2004.
Response Quote	“Let’s not just assume. The titles don’t mention the roof so let’s check the Tenement Management Scheme and see what it says”.

3.2.3.2 Finding out who is responsible for what part of the building

Challenge Quote	“I’ve no idea if it’s in my titles or the Act. I wouldn’t even know where to start.”
Details	Owners are unsure where to look to establish responsibilities and disagreements arise about the correct process.
Suggestion	Apply problem solving by following a structured process: check the titles first, then use trusted sources of information such as Under One Roof who summarise the Tenement Management Scheme on their website. If still unclear, consult a solicitor or other housing professional.
Response Quote	“Let’s start by checking the titles. If it’s not clear there, the Tenement Management Scheme gives us a default. If we are still stuck, we can get advice from a solicitor.”

3.2.4 Examples of using communication skills to support understanding of tenement rights and responsibilities**3.2.4.1 Struggling to agree on the meaning of key legal documents**

Challenge Quote	“I just can’t understand the jargon in those documents.”
Details	Legal language is intimidating, leaving some owners disengaged.
Suggestion	Use clear verbal and written communication to translate legal text into plain, accessible language for all owners.
Response Quote	“In simple terms: the titles say we all share responsibility for the roof.”

3.2.4.2 Struggling to understand what is being discussed

Challenge Quote	“We talked for ages about the roof, but I’m still not sure who’s supposed to pay for what.”
Details	After a long meeting, no one is clear on which responsibilities were clarified.
Suggestion	Use verbal summarising and paraphrasing to restate agreements simply before moving on.
Response Quote	“To sum up: the titles make the roof everyone’s responsibility, so each flat shares the costs.”

3.2.5 Examples of using interpersonal skills to support understanding of tenement rights and responsibilities**3.2.5.1 Avoiding heated exchanges over who is responsible for what**

Challenge Quote	“Why do you keep questioning me? I’ve already said what I think!”
Details	Owners get defensive or irritated when others question their understanding of responsibilities.
Suggestion	Use self-regulation to stay calm, pause, and respond constructively instead of reacting emotionally.
Response Quote	“I hear your point. Let’s check the documents together so we both feel clear.”

3.2.5.2 Disrespecting different knowledge levels

Challenge Quote	“Honestly, how can you not know what a title is?”
Details	Some owners mock or dismiss those less familiar with legal responsibilities.
Suggestion	Show respect for others by valuing different levels of knowledge and encouraging learning.
Response Quote	“It’s totally fair not to know. These documents are confusing. Let’s go through them together.”



3.3 How do we start working with other owners?

3.3.1 Key issues in brief

CHALLENGE

Owners may not be aware of the rules for decision-making in their tenement.

An owner who wants to set up an owners' association may not know how to contact some of the other flat owners, especially if a property is vacant or rented and the landlord's details are not clear.

Sometimes owners will not be aware of practical steps they might take to start working with co-owners.

Notes	Key resources
Rules for decision-making Understanding decision-making rules is crucial when getting started with working with other owners. Clear procedures for maintenance, repairs, and shared costs reduce disputes, build trust, and promote cooperation. Well-defined processes also promote accountability and transparency, ensuring that the process of establishing the association is (and is perceived to be) fair. The rules for decision-making in a tenement might be set out in the property's titles, but in some cases these are silent on the matter. If your titles do not provide clear rules, you should refer to the TMS. For a detailed explanation of these decision-making rules, see Section 4.2	See Section 4.2 on the rules of decision-making in tenements. See the Under One Roof Short guide to titles [19]. Scottish Government explains the Tenement Management Scheme here [19]. The Tenement Management Scheme (TMS) can be found in full here [18].
Identifying other owners The Scottish Landlord Register can be searched to identify and contact landlords or, where flats are unoccupied or cases where owner contact details are unknown (or incomplete in the Landlord's Register), ownership information can be obtained from Registers of Scotland (note, a fee is charged for this service). Owners might also contact the local authority's landlord registration team; local authority Empty Homes officers might be helpful, and these can be found through the Scottish Empty Homes Partnership. You can find the names of shop tenants and sometimes owners too through the Scottish Assessors website.	Sources for identifying co-owners: Scottish Landlord Register [28]. Scottish Empty Homes Partnership website [29]. Registers of Scotland [30]. You can find the names of shop tenants through the Scottish Assessors website [31] and this can also list owners (use the 'Search for a Rateable Value' function).
Practical steps to beginning working with co-owners There are various practical steps owners might take to begin working better together. These include informal chats with neighbours, setting up a WhatsApp group, seeking help from the factor to create an association, or using the Novoville Shared Repairs app (see Section 3.3.2.3).	See the Argyll and Bute Council guidance [32] on making contact with neighbours to start the process of getting organised as a group of owners. Novoville Shared Repairs app [33]

3.3.2 More detail

3.3.2.1 Decision-making in tenements

Understanding decision-making rules is essential when setting up an owners' association. Clear processes are needed to ensure everyone knows how decisions about maintenance, repairs, and shared costs will be made, which will reduce the risk of disputes and delays. They are also needed to guide decisions on how the association itself will be established. Owners must agree on how decisions will be taken, and these processes should comply with the requirements set out in law.

This knowledge is particularly important when beginning to work with other owners, as well-defined procedures help prevent misunderstandings and encourage cooperation from the start. They also create a framework for accountability and transparency, which is vital for building trust among members and keeping the association effective over time.

To understand decision-making, owners should first refer to their titles and, where these are silent or unworkable, apply the TMS. These matters are explored in detail in Section 4.2.

3.3.2.2 Identifying co-owners

Under Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004, private landlords must register with their local authority [34]. Operating without registration is a criminal offence, punishable by a fine of up to £50,000 and a potential ban on letting properties for up to five years [34].

➤ Search the [Scottish Landlord Register here](#) [28].

Tenants can demand their landlord's details from the letting agent, who must provide the full name and address in writing within 21 days, as per legal duties under landlord registration and the Letting Agent Code of Practice.

For unoccupied flats or cases where owner contact details are unknown, ownership information can be obtained from Scotland's Land Information Service [25] or by contacting Registers of Scotland (note, a fee is charged for this service). You can find the names of shop tenants and sometimes owners too through the Scottish Assessors website.

➤ Contact Registers of Scotland [here](#) [30].

➤ See Scotland's Land Information Service [here](#) [25].

➤ Search the Scottish Empty Homes Partnership website [here](#) for local authority Empty Homes officers [29].

➤ Search the Scottish Assessors website [here](#), where you can find the names of shop tenants and sometimes the details of the owners too (use the 'Search for a Rateable Value' function) [31].

If after trying all these options owners' details can still not be found, then a last resort might be to hire a Private Investigator. However, this might come with considerable costs.

To identify a reputable private investigator, consult self-regulating industry bodies, as the industry is largely unregulated and there is no single statutory governing body for private investigators in Scotland or the wider UK. The key self-regulating industry bodies for professional investigators are:

- **The Scottish Association of Investigators (SAI):** This is a professional association specifically for private investigators and enquiry agents working in Scotland. It aims to represent members, keep them updated with legislation, and enforce professional standards. You can find more details on their [website](#) [35].
- **The Association of British Investigators (ABI):** The ABI is the largest and most widely recognized professional body for investigators in the UK. It is exclusively included in the [Law Society of Scotland's Service Provider Scheme](#). You can find more details on their [website](#) [36].

3.3.2.3 Practical steps to organising

Argyll and Bute Council have [published guidance](#) [32] on contacting neighbours to start the process of getting organised as a group of owners. Key points include:

- Many associations begin with just one determined individual. But teaming up with another person to handle initial outreach can make the process easier.
- Speak to neighbours to identify common concerns. This will help assess if there is enough interest to establish an owners' association.
- Door-to-door conversations are often most effective. Consider distributing notes in advance to explain the purpose of the visit.
- Initially, it may not be clear who are owners and who are tenants. This can be clarified once contact is made with all the building's residents.
- Expect varied responses. While some may show enthusiasm, others may be indifferent or reluctant to get involved. Continuing to offer opportunities for participation can encourage wider engagement over time.

IMPROVING COMMUNICATION

While working on common goals, setting up a private messaging group can ease and speed up owners' communication.

➤ Encourage neighbours to set up a WhatsApp (or other private messaging application group (e.g. Signal, Threema).

[Novoville Shared Repairs](#) [33] is an innovative digital platform designed to facilitate and streamline the process of property maintenance and shared repairs. The platform serves as a central hub where property owners, tenants, property managers, and local authorities can collaborate and efficiently address repair needs.

➤ Explore the potential of the [Novoville Shared Repairs platform](#) [33].

GETTING HELP FROM A FACTOR

Some factors include in their Terms of Services support for setting up an owners' association (see Section 4.3.2.4 for further information on factors).

- Where there is a factor appointed but no owners' association in the building, ask your factor what help they can provide to help owners set up an owners' association.

If an existing factor will not provide help in setting up an owners' association or if there is no factor currently in place, it is helpful to shop around for factors that might be able to provide help.

- Owners should ask for a copy of the Written Terms of Services of their factor and any other factors they are considering employing and make a comparison between the services on offer.

3.3.3 Examples of using reasoning skills to engage with other owners**3.3.3.1 Struggling to know where to start when reaching out to co-owners**

Challenge Quote	"There are so many flats, some are rented and some are empty. I don't even know where to start."
Details	Owners feel overwhelmed about trying to reach all co-owners at once, especially where contact information is incomplete.
Suggestion	Apply prioritisation by first focusing on owners most likely to respond (resident owners, engaged neighbours), then building outward to harder-to-reach contacts.
Response Quote	"Let's start with the people we already know in the building, then work out how to contact the landlords and absent owners once we've got momentum."

3.3.3.2 Is informal or formal contact best?

Challenge Quote	"Wouldn't a letter seem too formal, like we're already demanding something?"
Details	Owners are unsure whether to approach others formally (letters, notices) or informally (knocking on doors).
Suggestion	Apply weighing evidence by comparing pros and cons of informal vs formal methods (friendliness vs record-keeping).
Response Quote	"As we've discussed, if we knock on doors, it feels friendly, but letters make sure everyone gets the same info. Maybe we should do both. A friendly chat and a follow-up note."

3.3.4 Examples of using communication skills to engage with other owners**3.3.4.1 Setting the right tone for early discussions with co-owners**

Challenge Quote	"I don't want them to think we're blaming them for anything right away. We don't want to get off to a bad start."
Details	Initial approaches risk sounding demanding or confrontational.
Suggestion	Use tone management to frame first contact as an invitation to collaborate, not a demand.
Response Quote	"Hi, we're just trying to get neighbours together for a chat about the building. Nothing formal yet, just a chance to meet."

3.3.4.2 Unclear communication and too much jargon

Challenge Quote	"I wasn't sure what that note about 'common repairs' actually meant."
Details	Written notes or letters may be unclear or full of jargon.
Suggestion	Apply clear communication: keep messages short, simple, and specific.
Response Quote	"Common repairs are simply repairs to parts of the tenement that are a responsibility among flat owners. These are written down in the titles or the Tenement Management Scheme"

3.3.5 Examples of using interpersonal skills to engage with other owners

3.3.5.1 Lack of trust amongst co-owners

Challenge Quote	"I don't even know our neighbours. How am I supposed to trust them to manage the running of our close well?"
Details	Owners don't know one another and feel reluctant to get involved in a formal group.
Suggestion	Use empathy to acknowledge people's emotional concerns and initiate low-pressure social opportunities (e.g. a summer courtyard gathering) to rebuild connection and mutual trust in a non-confrontational way.
Response Quote	"I completely get that. It can be hard to trust people you don't know well. Maybe before we talk business, we could just organise something small like a summer garden lunch or a stair tea break. It might help us see each other as neighbours again before we try anything formal."

3.3.5.2 Lack of trust that all voices will be heard

Challenge Quote	"What if it's just a few people making decisions without us?"
Details	Even if contact is made, owners may not trust the purpose of getting together.
Suggestion	Use cooperation to stress openness and equal involvement from the very beginning.
Response Quote	"This isn't about a small group taking control. We want everyone to get the same say and we'll only decide things if most of us agree."

3.4 What is an owners' association and how do we set one up?

3.4.1 Key issues in brief

CHALLENGE

Some owners don't know what an owners' association is, what it does or why it is useful.

Notes	Key resources
An owners' association is the group of property owners in a tenement who collectively manage shared responsibilities for a building's common areas. Having an owners' association has many benefits including faster and more effective decision-making.	Under One Roof explainer on owners' associations [37]. Under One Roof guide to setting up and owners' association [38]. Property factor Redpath Bruce provides details on the advantages of forming an owners' association [39].
A key feature of an owners' association is that it has a constitution. Owners should research and learn about OAs' constitutions and share resources with co-owners.	Under One Roof sample constitution for owners' association. Argyll and Bute Council information on owners' associations (including sample constitutions) [32].
Possible Action points	
➤ Search and look for people within your social network who are involved in an owners' association.	

3.4.2 More detail

3.4.2.1 What are owners' associations?

Usually, under the current law an "owners' association" isn't a formal legal entity. Instead, it refers to the group of property owners in a tenement who collectively manage shared responsibilities for a building's common areas. So, it's essentially a cooperative arrangement for managing the common affairs of a building. An important exception to this is an owners' association under a Development Management Scheme (DMS) (see Section 3.5.2.2).

3.4.2.2 Creating an OA constitution

An owners' association will often have a constitution [32], [40]. This constitution outlines the structure and operation of an association within a building. It usually will have several key features [32], [40]:

1. **Name of the Association:** the name of the association, typically linked to the property address, should be clearly stated.
2. **Objectives and Purpose:** it should outline the association's purpose, such as managing common repairs, improving communication among owners, and maintaining shared areas.
3. **Membership:** it should define eligibility (e.g., all owners of flats within the tenement) and state that membership ceases upon selling the property.
4. **Committee Structure:** it should detail any roles, such as Chairperson, Secretary and Treasurer. It should explain how committee members are elected and their responsibilities.
5. **Decision-Making and Meetings:** it should specify how decisions are made (e.g. when resolutions require a majority vote, when unanimity, etc.). Outline procedures for holding Annual General Meetings (AGMs) and emergency meetings.
6. **Financial Management:** it should describe how funds will be raised (e.g., membership fees or contributions for repairs). State how a maintenance account will be managed, including signatories and spending rules.
7. **Amendments to the Constitution:** Detail how changes can be proposed and approved.

3.4.2.3 Do you always need to create an owners' association constitution?

For small tenements (with two or three flats) having an owners' association constitution is sometimes not considered necessary [32]. There may be several reasons for this:

- **Easier Communication:** with fewer owners, direct communication is simpler and more efficient.
- **Fewer Decisions:** small tenements have fewer shared responsibilities, reducing the need for formal decision-making structures.
- **Lower Maintenance Needs:** smaller buildings may require less coordination for repairs and upkeep.
- **Less Administrative Burden:** forming and managing an association involves paperwork and costs, which may not be justified for a small group.
- **Informal Agreements Work:** owners can often manage shared responsibilities through informal agreements rather than a formal association.

In general, when informal arrangements work well, there may seem that there is little reason to spend the time and energy on creating a more formal structure to make decisions.

Nonetheless, an owners' association that is constituted is recommended because it has certain advantages [40]:

- Banks may require a constituted owners' association to open a maintenance account.
- Studies show that owners' associations increase satisfaction with property management [41].
- They enable faster and more effective decision-making.
- They provide leadership in repairs and encourage active participation.
- They serve as a central point of contact, improving communication.

3.4.3 Examples of using reasoning skills to set up an owners' association**3.4.3.1 Lack of clarity on the steps to follow to set up an association**

Challenge Quote	"Do we just start meeting or is there paperwork we need to file somewhere?"
Details	Owners are unclear about the actual steps required to establish an association.
Suggestion	Apply problem solving by breaking the process into manageable steps: (1) confirm interest, (2) agree decision rules, (3) draft constitution.
Response Quote	"Why don't we break it into stages: first we contact as many owners as we can, then get them together to discuss and then draft a constitution."

DEMOCRATIC SKILLS FOR SUSTAINABLE TENEMENT STEWARDSHIP**3.4.3.2 Assuming that co-owners will not be interested**

Challenge Quote	"I don't think anyone else will bother. It'll just be me trying to get this going."
Details	Owners assume that other residents won't be interested in forming an association, which can prevent them from even starting the process.
Suggestion	Apply identifying assumptions to test this belief by gathering input and checking interest from all owners before deciding.
Response Quote	"Let's not assume no one else cares. I'll send a note to everyone asking if they'd like to join a meeting and we'll see how many are interested."

3.4.4 Examples of using communication skills to understand and set up an owners' association**3.4.4.1 Some owners cannot understand the value of an owners' association**

Challenge Quote	"Why do we even need an owners' association? Isn't that just extra hassle?"
Details	Some owners don't understand what an association is for and are sceptical.
Suggestion	Use clear communication to describe the association's role in managing repairs, sharing costs fairly and giving owners a stronger collective voice.
Response Quote	"An owners' association just means we agree on a way to work together. So repairs get done fairly, costs are shared clearly and no one is left out."

3.4.4.2 Reluctance of some to raise their voices

Challenge Quote	"I didn't want to be negative, so I just stayed quiet about the parts I didn't like."
Details	Some owners feel uncomfortable criticising a draft constitution, leading to silent disagreement.
Suggestion	Use feedback skills to invite constructive comments in a supportive way.
Response Quote	"Please let us know what feels unclear or unfair in this draft. That's how we'll make it stronger."

3.4.5 Examples of using interpersonal skills to understand and set up an owners' association**3.4.5.1 Fear that an owners' association will impose on owners**

Challenge Quote	"I don't want to sign up to something that's going to tie my hands."
Details	Some owners feel anxious or resistant because they fear the association will be too formal or controlling.
Suggestion	Use empathy by recognising fears, acknowledging past bad experiences, and reassuring owners of fairness and flexibility.
Response Quote	"I get why you'd worry about that. This is about us making decisions together in a fair way, not taking away anyone's rights."

3.4.5.2 Avoiding the association being dominated by just a few voices

Challenge Quote	"It feels like the same two people are making all the decisions already."
Details	Some owners dominate discussions while others stay quiet about the idea of setting up an association.
Suggestion	Use cooperation by actively encouraging contributions from all owners and showing that every voice matters.
Response Quote	"Why don't we hear from everyone about what they think an association should do. Even if it's just one idea each?"

3.5 What can we do beyond adopting a constitution to make our owners' association work better?**3.5.1 Key issues in brief****CHALLENGE**

Owners might feel that simply adopting a constitution is not enough to make the association run as smoothly as it could. They may think the rules laid out in the titles are unfair, unclear, or not up-to-date.

Notes	Key resources
Having a stronger association, such as one where the decision-making rules written in the constitution are included within the titles of the property or where the association operates as a 'body corporate', can offer advantages. However, establishing a more formal structure will likely involve changing the titles of the property, which involves costs, including legal fees and the time required to coordinate with co-owners.	Read more about changing property titles in the Consumer Focus Common Sense guide [14]. And in the Under One Roof guide [42]. Read more about changing property titles in the Management and Maintenance of Common Property produced by the Scottish Government [43] ⁵ . See Section 3.5.2.2 on 'body corporate'.
The Scottish Government is committed to introducing compulsory owners' associations across Scotland [11]. This anticipated legislation is expected to resolve many of the current challenges involved in establishing more effective associations, although it is to date unclear how long this legislation might take to be put in place. Owners should consider whether the issues they are facing right now are significant enough to justify the effort and expense of creating a more robust legal structure for their association, given that forthcoming reforms are likely to introduce similar forms of association within the next few years.	Keep up to date with developments in compulsory owners' association by following Under One Roof's social media accounts or subscribe to their monthly newsletter.
The Development Management Scheme (DMS) is an effective and bespoke framework already available in Scotland for the management of common property which provides streamlined decision-making processes and a body corporate to provide greater legal protection for individual owners.	The Scottish Law Commission Discussion Paper on Compulsory Owners' Associations has good detail on the functioning of Development Management Schemes, on pages 21 to 23 [10].

3.5.2 More detail

Setting up a constitution for an owners' association has many advantages (see Section 3.4.2). But sometimes owners might feel that simply adopting a constitution will not be enough to make the association run as smoothly as it could.

A significant shortcoming of setting up a constitution-only association is that rules in the titles and TMS always take precedence over any the rules of the constitution. Therefore, even if all owners agree that an association's rules written in the constitution should be different from those in the titles or TMS these are not enforceable in law.

To make sure that any new rules that are adopted in a constitution are aligned with the titles, owners can amend the titles of the property. There may be other reasons why owners would like to change their titles [43]. Owners may feel dissatisfied with how their titles allocate the costs of repairs. They may prefer not to rely on a management system that combines rules from both the titles and the Tenement Management Scheme. In general, then, owners may feel that the rules laid out in the titles are unfair, unclear, or not up-to-date.

Hence, an overview is provided on how the titles in a tenement can be changed in Section 3.5.2.1.

A more comprehensive approach to governance of commonly owned property is provided by the Development Management Scheme (DMS). This is a bespoke governance framework which already exists in Scotland and offers a more robust form of owners' association. Adopting this model would also require changes being made to the titles

⁵The Scottish Government was at the time the report was published called the Scottish Executive.

of the tenement. Adopting the DMS is discussed in more detail in Section 3.5.2.2.

However, changing the titles of a tenement comes at a cost in terms of time and legal fees. Before taking this route, it is important to think carefully about whether changing titles will address the issues that the tenement is facing.

Importantly, when considering changing titles, owners should be aware that there is the prospect for the current laws on tenement governance to change, which may address some of the issues owners are currently facing without them having to undergo the time and cost of changing titles. The Scottish Law Commission (SLC), following the 2019 Scottish Parliament Tenement Maintenance Working Group report, has proposed draft legislation to the Government to make owners' associations compulsory for all tenement buildings in Scotland. The SLC prepared a report and draft Bill, published in December 2025 [11], which the Scottish Government will consider for legislation [44].

Key elements include [10]:

- Replacing the current Tenement Management Scheme with an Owners' Association Scheme (similar to the Development Management Scheme, see Section 3.5.2.2).
- Every tenement building will have a legally recognised owners' association with powers to:
 - o Enter contracts and appoint managers.
 - o Organise annual meetings and approve budgets.
 - o Maintain a building reserve fund.
- Owners will automatically become members and share financial responsibility for maintenance.
- Associations will be a 'body corporate' (see Section 3.5.2.2),

Given these anticipated changes, owners must weigh whether the challenges posed by their current governance arrangements are urgent enough to justify the time and cost of changing their titles to set up a more robust form of association now, as the proposed reforms will likely provide an association with similar functions within several years.

The guidance below, accurate at the time of writing (summer 2026), is intended to support owners who wish to deepen their understanding of more legally robust organisational models for owners' associations and to take action where this is considered necessary ahead of the reforms coming into place.

This remainder of this section is organised as follows:

- Changing property titles
- Creating a Development Management Scheme.

3.5.2.1 Changing property titles

To change your titles, you will need a solicitor. Any amendments to your titles, and those of affected neighbours, must be registered in the Land Register of Scotland or the Register of Sasines. Fees are payable both for the solicitor's work and for registration with Registers of Scotland. Advice is available from a solicitor, Registers of Scotland, or a local advice centre.

The available options are presented in Table 3.

Table 3 - Options to change titles

Option	Description	Why is this useful?	Process
1. Deed of Variation or Deed of Discharge.	Owners agree to change the rules of the tenement and register the changes they would like to make either through a Deed of Variation (to change an existing burden) or Deed of Discharge (to completely remove an existing burden). Requires unanimity of owners; just one objector blocks this route.	Removing restrictions, altering use clauses, updating maintenance rules.	- All owners who benefit from the burden must sign the deed or deeds. - The deed or deeds are then registered against the burdened property (and sometimes the benefited properties); in a tenement, a burden may restrict all the flats, while certain other properties (sometimes within the building and sometimes outside it) have the legal right to enforce that restriction.

DEMOCRATIC SKILLS FOR SUSTAINABLE TENEMENT STEWARDSHIP

Option	Description	Why is this useful?	
2. Apply to the Lands Tribunal for Scotland (Section 90 application)	- Any owner (acting alone) can apply to the Lands Tribunal for Scotland to vary or discharge a burden. - The Tribunal decides on the merits of the case and can impose a ruling.	- Applications are mainly used to vary or remove existing burdens where agreement cannot be reached. - While the Tribunal has the power to impose new burdens as part of an order, this will generally only happen with the consent of the owner of the burdened property.	- Owner applies to vary or discharge a burden. - Tribunal notifies all benefited owners and considers objections. - Decision by the tribunal is based on statutory “reasonableness” factors (e.g., age of burden, changes in circumstances).
3. Use the “25% rule” for applications to the Lands Tribunal for Scotland.	Section 91 of the act allows joint applications to be made by owners of at least 25% of the units to the Lands Tribunal for Scotland to vary or discharge a burden.	Used when: - unanimity is unrealistic, i.e. there are large number of units. - to demonstrate to the Tribunal that the issue is shared by multiple owners and not just relating to the interest in the shared property of just one owner.	- Owners representing at least 25% of the units apply to the Tribunal to vary or discharge a community burden. - Tribunal still decides on the merits through the same “reasonableness” test as Option 2; 25% support does not guarantee success.
4. Notice of Termination (100-year rule)	Established in the 2003 Act (ss.20–24.) to remove very old burdens, over 100 years old. - Cannot be used for facility, service, manager, or shared cost burdens. - Rarely (if ever) applicable to modern developments.	Useful for removing old and outdated burdens.	- Application is made to the Lands Tribunal for Scotland. - If no objection is received within the statutory period, the burden may be terminated.
5. Deed of Application (to adopt a Development Management Scheme (DMS))	- A Deed of Application establishes a Development Management Scheme (DMS), a statutory management structure for shared property (see section 3.5.2.2, below).	- Required to establish a Development Management Scheme (DMS). - Most useful for developers, who include the DMS in the original Deed of Conditions before individual units are sold.	- A Deed of Application registered against every title. * A Deed of application cannot be imposed by majority or by Tribunal and requires unanimity amongst owners.

➤ See the [Consumer Focus Scotland guide](#) to changing titles on (pages 9-10) [14]

➤ See Under One Roof’s [guide to changing titles](#) [42].

3.5.2.2 Creating a Development Management Scheme

The Scottish Law Commission recommends the Development Management Scheme (DMS) as an effective and bespoke framework already available in Scotland for the management of common property [10]. So, this section focuses exclusively on the DMS. However, there are several organisational (or ‘legal’) forms that might be applicable for owners’ associations. These are discussed in Section 5.3 as they might be considered more appropriate for larger scale or community organisation.

The DMS establishes an owners’ association to manage shared areas [45]. The DMS was introduced in section 71 of the Title Conditions (Scotland) Act 2003 (Development Management Scheme) Order 2009, SI 2009/729 [46]. By 2024 there were 212 DMSs in Scotland⁶ most of which are used in larger developments. See Table 4 for a summary of the key differences between a DMS OA and a constitution-only OA.

Table 4 - Key differences between the OA under the Development Management Scheme and a constitution-only OA⁷

	Owners' Association under DMS	Unincorporated Owners' Association
Legal Basis	Established under section 71 of the Title Conditions (Scotland) Act 2003.	Not defined by legislation. Established by owners signing a constitution.
Legal Status	Body corporate (separate legal entity)	Unincorporated association with no separate legal status.
How Constituted?	Owners automatically become members when DMS application granted.	Owners agree a constitution.
Owners' Liability Limited?	Yes	No
Able to enter into contracts, sue and be sued in own name?	Yes	No

The Act states that the DMS is established by a Deed of Application by the owner [46]. With “the agreement of all owners” such a deed can be applied to an existing tenement property [10]. There would also be solicitors' fees and registration fees, both for the initial application and for registering the amendments of the titles for each flat. Due to the challenges of establishing a DMS retrospectively, it is generally understood that most (if not all) DMSs have to date been established by developers prior to the development being subdivided into individual units⁸. Owners wishing to explore adopting a DMS OA should seek legal advice.

A key benefit of the DMS is that it creates an owners' association as a ‘body corporate’. A body corporate is a legal entity recognised as a separate “person” from its members. Creating an owners' association that is a body corporate has several advantages including:

- **Acts as a legal entity**, allowing the association to enter contracts and manage bank accounts in its own name.
- **Provides limited liability**, so no single owner is personally responsible for the full cost of a contract.
- **Ensures stable governance**, as the association continues to exist even when individual owners come and go.

HOW THE DMS WORKS

Model rules are published in The Title Conditions (Scotland) Act 2003 (Development Management Scheme) Order 2009 [46] but the rules of any specific DMS can be adapted or modified from the model rules, explained below. At the centre of the scheme are two key actors: the Owners' Association (OA) and the Manager.

Owners' Association

- Automatically established when the DMS takes effect.
- All flat owners are automatic members.
- Holds at least one general meeting per year⁹.
- Meetings follow formal rules: quorum requirements, voting procedures, and record keeping.
- Decisions: usually by simple majority, but some (e.g. improvements) need a special majority.

Manager

- Acts as agent for the OA; can be a professional property factor or a flat owner.
- Duties include:
 - o Inspecting and maintaining scheme property (repairs, cleaning, gardening, etc.).
 - o Administering meetings and implementing OA decisions.
 - o Handling OA finances: setting budgets, managing accounts, collecting service charges, maintaining reserve funds.
 - o Enforcing obligations and rules against unit owners.

⁶ Personal correspondence from Registers of Scotland, May 16, 2024

⁷ Reproduced from [83]

⁸ While there is not evidence of DMSs being applied retrospectively to tenements, there are several examples of tenements being included in DMSs in newer developments.

⁹ Meetings can be called in addition to the Annual General Meeting (AGM) to discuss development issues, i.e. through an Extraordinary General Meeting (EGM).

DEMOCRATIC SKILLS FOR SUSTAINABLE TENEMENT STEWARDSHIP

- Has discretion to raise an extra service charge (up to 25%) beyond the approved budget for unforeseen costs; anything above 25% requires member approval.
- Read pages 21 to 23 of the Scottish Law Commission [Discussion Paper on Compulsory Owners' Associations](#) on the functioning of DMSs [10].

3.5.3 Examples of reasoning skills to decide on an appropriate association model**3.5.3.1 Deciding which type of association is best**

Challenge Quote	"I don't know if we should just meet informally, make a constitution or go for a full DMS."
Details	Owners are unsure whether to form an informal group, a constitution-based association, or a formal development management scheme (DMS).
Suggestion	Use weighing evidence to evaluate pros and cons of each: flexibility, legal protection, administrative burden, and enforceability.
Response Quote	"Let's put all three options side by side. Informal is simple, constitution gives us agreed rules and DMS is legally strong but harder to get going."

3.5.3.2 Avoiding hasty decisions

Challenge Quote	"Why don't we just do the constitution one? It sounds fine."
Details	Owners want to adopt the first model they hear about without questioning if it fits their situation.
Suggestion	Use critical thinking to examine assumptions, question sources, and ensure the choice is evidence-based.
Response Quote	"Before we jump in, let's ask. What challenges might this model not solve for us?"

3.5.4 Examples of communication skills to decide on an appropriate association model**3.5.4.1 Lack of clarity on the different options**

Challenge Quote	"I don't get what's actually different about a constitution versus a DMS."
Details	Some owners don't understand the differences between informal arrangements, constitutions, and a DMS.
Suggestion	Use clear communication to explain the structure, flexibility, and implications of each model in simple terms.
Response Quote	"Informal means we just agree among ourselves like we are just now; a constitution sets formal rules for decisions; a DMS is a fully incorporated legal body with strong enforcement powers."

3.5.4.2 Lack of clarity on how the decisions on the model are to be made

Challenge Quote	"Are we deciding tonight or just learning about the options?"
Details	Owners aren't sure what stage they're at: exploring options or actually choosing a model.
Suggestion	Use questioning to clarify aims and timelines.
Response Quote	"Can I check. Are we comparing all three today or just gathering info to decide next time?"



3.5.5 Examples of interpersonal skills to decide on an appropriate association model

3.5.5.1 Ensuring maximum participation in deciding on the appropriate model

Challenge Quote	“It’s always the same three people making the decisions. The rest don’t even know we’re meeting.”
Details	Only a few vocal owners are attending early meetings about forming an association, leaving quieter or absent owners out of the decision.
Suggestion	Use empathy when actively reaching out to all owners, e.g. by sending accessible written invitations, holding meetings at accessible times, or offering hybrid options.
Response Quote	“Let’s make sure everyone gets the same invite and can join however works best, online or in person, so the decision really represents everyone. And we’ll also send notes out after any meetings to make sure everyone is kept in the loop.”

3.5.5.2 Handling disagreements about setting up a more formal association

Challenge Quote	“The discussion turned into an argument. No one was listening anymore.”
Details	Heated arguments break out between owners who favour informal vs. formal legal models.
Suggestion	Use conflict resolution to calm the discussion, separate positions from interests, and seek middle ground.
Response Quote	“Let’s step back. Some of us want less red tape, others want more protection. Is there a compromise option?”

4 Maintaining an association

4.1 Summary of key challenges

There are five key challenges addressed in this section:

- What are the rules for decision-making and sharing costs in our tenement?
- How should an owners' association be run?
- How do you manage the finance of an owners' association?
- How do you manage ongoing maintenance?
- How do you deal with uncooperative or disruptive co-owners?

4.2 What are the rules for decision-making and sharing costs in our tenement?

4.2.1 Key issues in brief

CHALLENGE

Many owners are unaware of how decisions should be made or how costs for work are shared out in their tenement.

Notes	Key resources
Decision-making If your property titles do not clarify the decision-making rules in your tenement you will need to refer to the Tenement Management Scheme	Under One Roof property titles explainer [47]. Scottish Government, provides an outline of the Tenement Management Scheme [19].
Sharing costs If the titles do not specify how to share repair costs, the TMS states that repair and management costs should be shared equally among owners, unless the flats differ significantly in size	See Section 3.2.2.1. Under One Roof have a variety of resources on sharing costs. Links to these can be found here [48]. See the Under One roof explainer on the rules the rules of sharing costs in the TMS [20].

4.2.2 More detail

It is important to understand which decisions require joint agreement among owners. Decisions are generally collective when they relate to scheme property (see Section 3.2). In some instances, some parts of the building might be owned by more than one owner but not all of the owners and in these instances decisions may just involve those concerned but not necessarily everyone in the building. In these cases, the process follows similar principles to those for parts owned by all the flats.

4.2.2.1 Titles

Many tenements have detailed rules in their titles governing management and maintenance, often tailored to the specific characteristics of the building [43]. These provisions typically address ownership of different parts of the property, how maintenance costs are shared, and how decisions are made among owners.

Where such rules exist, these take precedence over the Tenement Management Scheme (TMS) rules (see below), in other words they remain valid and continue to apply regardless of what the TMS rules say.

This is important because the most effective arrangements for managing and maintaining a tenement are those specifically drafted for that building, taking into account its unique layout and circumstances. For example, a large house converted into flats of varying sizes might include title provisions that allocate roof repair costs unequally. In another case, a tenement with ground-floor shops may give shop owners different voting rights or financial responsibilities than those of flat owners, reflecting differences in use and property size. These kinds of arrangements have often functioned successfully for many years. In fact, many tenements have remained in good repair for generations thanks to clear and well-drafted title provisions. More recent titles tend to include particularly comprehensive and sophisticated terms.

- Consult your property titles
- If you are struggling to interpret your property titles you may wish to ask for professional advice, e.g. from a property lawyer.

Table 5 provides a guide to understanding the titles.

Table 5 - Understanding Land Register Title Sheets and Plans¹⁰

Each Land Register title sheet is accompanied by a title plan and is split into four sections:	
Section A: Property	This section describes the property itself, including a description of the land, its boundaries, and the title plan that visually identifies the property on a map.
Section B: Proprietorship	This section identifies the current owner(s) of the property and includes details of the proprietor's name(s) and the nature of their ownership (e.g. sole or co-ownership).
Section C: Securities	This section records any standard securities (mortgages) that have been registered against the property, including details of the lender and any outstanding financial obligations secured against the property.
Section D: Burdens	This section lists any burdens, rights or restrictions that affect the property, such as real burdens, servitudes, or tree preservation orders, which might affect how the property can be used or transferred.
Title Plans The title plan provides a visual representation of the property's boundaries and its location. It forms an important part in interpreting a Land Register title and must be read in conjunction with the title sheet. The title plan supports the property description in Section A of the title sheet. The title plan may include various colours, letters, and symbols to denote specific details which are explained in the title sheet.	
Supplementary Plans There can often be supplementary data plans that form part of a Land Register title. Supplementary plans are additional plans that provide detailed information about specific aspects of a property that cannot be fully represented on the main title plan. These can include intricate boundary details, floor levels in multi-storey buildings or specific areas subject to rights or restrictions.	

4.2.2.2 The Tenement Management Scheme

The 'Tenement Management Scheme' (TMS) sets out default rules that apply when property titles are silent, unclear, or incomplete [18]. The rules laid out in the TMS about how to make agreements about maintenance are called 'scheme decisions' [49].

Under the default rules:

- Each flat has one vote, including co-owned flats.
- For repairs to parts of the building co-owned by some and not all the owners, only the co-owners of that part can vote.
- An owner may nominate someone else - such as a letting agent or relative - to act on their behalf.
- Once properly made, a decision is binding on all owners and future owners, even if they disagreed or didn't vote. There are limited grounds for appealing or overturning such decisions.

VOTING THRESHOLDS

Under the Tenement Management Scheme, decisions regarding maintenance work on the common parts of a tenement are made by a simple majority vote of the owners, meaning more than 50% of all owners must agree (not just those who attend the meeting). However, any work classified as an improvement requires unanimous agreement from all owners.

- **Maintenance:** Rule 1.5 of the TMS says that maintenance "includes repairs and replacement, the installation of insulation, cleaning, painting and other routine works, gardening, the day to day running of a tenement and the reinstatement of a part (but not most) of the tenement building, but does not include demolition, alteration or improvement unless reasonably incidental to the maintenance".
- **Improvements:** while the Act is less clear on a definition of improvements, an improvement is generally defined as introducing a completely new feature or element to a building that did not previously exist.
Under One Roof write: "Whereas, maintenance primarily involves repairing the existing parts of a building

¹⁰ Reproduced from [43]

that need fixing. However, when something new is added or upgraded that is essential to a repair, this is still considered maintenance” [50].

Insulation, while providing an improvement to energy efficiency, is classified as maintenance and therefore only needs a majority vote [51].

- See Under One Roof’s guide to maintenance and improvement [here](#) [50].
- Voting rules may be very different in your property titles and you will need to consult these first as they take precedence over the rules in the TMS.

4.2.2.3 Duty to Maintain and voting thresholds

As is noted in Section 3.2.2.2, under section 8 of the Tenements (Scotland) Act 2004, the owners have a legal duty to maintain parts of the tenement that provide support and shelter, such as roofs, structural timbers, and window surrounds.

Decision-making regarding the Duty to Maintain does not follow the usual voting rules. It does not require a majority vote to take action; any affected owner can enforce this duty individually, making it a powerful mechanism for urgent or essential repairs.

However, owner(s) enforcing the duty may need to pay for the work upfront and recover costs from others after the repair is completed.

Because enforcement under the Duty to Maintain shifts legal liability to the end of the process, it carries greater financial risk for the initiating owner. Therefore, while the duty offers a route for enforcing essential repairs without a vote, it is best used cautiously and ideally with legal or council support.

See also Section 4.6.2.1: Enforcing the Duty to Maintain

- See an explainer on the Duty to Maintain [here](#) [22].

4.2.2.4 Apportioning costs

Again, property titles take precedence over rules set out in the TMS.

If the titles do not specify how to share repair costs, the TMS states that repair and management costs should be shared equally among owners, unless the flats differ significantly in size (see also Section 3.2.2.1).

If the largest flat is more than 1.5 times the size of the smallest, costs must be split according to internal floor area. To calculate this, owners must measure the internal floor area of each flat (including internal walls, but excluding storage-only lofts, basements, and balconies). Owners are legally required to provide access for these measurements. Once all floor areas are known, each owner’s share is calculated as a percentage of the total.

Note: It is possible to deviate from the rules set out in the titles or the TMS if all owners agree. This change in rules may need to be confirmed on each occasion and with each new owner. For instance, they may choose to disregard the 1.5 rule and instead divide costs equally if doing so facilitates faster progress on the works.

4.2.3 Conflicts of interest

Owners should be vigilant about potential conflicts of interest that can harm good decision-making. For instance, an owner might promote and vote for a relative’s firm. Or they might try and avoid responsibilities. For example, an owner may try and vote to reduce their own liabilities and make only the top flat owners responsible for the entire cost of roof repairs. The latter is specifically banned in the TMS Rule 3.5.

4.2.4 Examples of using reasoning skills in decision-making and sharing costs

4.2.4.1 Applying the titles/TMS to costs

Challenge Quote	“I know the TMS mentions roof costs, but I’m not sure how it applies to us.”
Details	Owners are unsure how to apply the TMS to a specific repair or cost.
Suggestion	Use problem solving to follow step-by-step: check the relevant clauses, calculate each owner’s share, and confirm accuracy.
Response Quote	“Let’s go clause by clause in the TMS and make sure we allocate the cost exactly as specified.”

4.2.4.2 Understanding the value of following the titles / TMS's rules

Challenge Quote	"What if someone refuses to pay their share?"
Details	Owners worry about disputes or legal risk if cost rules are not correctly followed.
Suggestion	Use evaluating consequences to see that adherence to the TMS/titles reduces risk and clarifies obligations.
Response Quote	"If we follow the rules set out in the titles exactly, everyone's responsibility is clear and any dispute can be referred back to the titles."

4.2.5 Examples of using communication skills in decision-making and sharing costs**4.2.5.1 Some co-owners struggle to understand the language used in association meetings**

Challenge Quote	"I don't know what half those terms mean, so I just stay quiet."
Details	Some owners understand legal/financial terms, while others are left behind.
Suggestion	Use adapted communication: simplify explanations, use analogies, or provide written summaries.
Response Quote	"Think of the TMS as a rulebook. If our titles don't say how to split costs, that's the set of rules we follow."

4.2.5.2 Avoiding escalating conflict

Challenge Quote	"It feels like people are shouting at me just because I don't agree with them."
Details	Heated discussions about money quickly become hostile.
Suggestion	Use calm and respectful tone management to de-escalate conflict.
Response Quote	"I know this is frustrating, but let's slow down and make sure everyone gets a chance to share their view."

4.2.6 Examples of using interpersonal skills in decision-making and sharing costs**4.2.6.1 Valuing co-owner concerns even when following rules**

Challenge Quote	"It doesn't matter, the titles say we all have to pay to fix this. You knew you were responsible when you bought the flat, so just deal with it!"
Details	Owners might dismiss concerns because the rules are clear.
Suggestion	Use respect for others to acknowledge feelings while following the decision-making framework.
Response Quote	"I understand it feels unfair, but the burdens are set in the titles. We all accepted these when we bought our flats. Let's make sure everyone knows exactly how it works."

4.2.6.2 Being flexible with sharing out costs

Challenge Quote	"The TMS might say that, but surely we can make an exception this time. It just doesn't seem fair."
Details	Owners disagree about how to apply the rules in the titles or TMS, with some insisting on strict adherence and others preferring a more flexible approach.
Suggestion	Use conflict resolution to mediate between rigid and flexible viewpoints, encouraging open discussion about possible compromises. If no mutual solution is found, reaffirm the need to follow the established legal framework.
Response Quote	"I know the TMS sets out the default rule, but let's see if we can agree on a fair adjustment first. If we can't reach consensus, then we'll follow what's in the titles." ¹¹

¹¹ Note: while it is acceptable for owners to make decisions that fall outside the titles and the TMS, such decisions cannot bind future owners who were not party to the original agreement.

4.3 How should an owners' association be run?

4.3.1 Key issues in brief

CHALLENGE

Many owners will have no experience of and will not know how to run an organisation like a tenement owners' association.

Notes	Key resources
Key principles should underpin the running of an owners' association, such as transparency, inclusiveness, fairness, and accountability.	Argyll and Bute Council's guide to owners' associations provides some good tips on good governance [32]. Under One Roof sample constitution for owners' associations provides good insights into how an association can be run effectively [52]. Although in the context of Canada, the Condominium Authority of Ontario has some useful resources and training materials some of which may be helpful in Scotland [53].

4.3.2 More detail

Consider which principles are most important to you and your neighbours, perhaps considering recent experience of making decisions. Some suggestions of important principles include:

- **Transparency:** with open sharing of information;
- **Inclusiveness:** supporting all owners to participate;
- **Fairness:** so decisions and responsibilities are applied consistently;
- **Accountability:** for those with important roles in leading the organisation, such as the chair or the factor.

Much of what follows in this section provides guidance on how such principles can be enacted.

This section is divided into four main parts: Annual General Meetings, Running meetings, Office bearers, and The Role of factors [32], [52].

4.3.2.1 Annual General Meetings (AGMs)

AGMs are a key part of good governance and should ideally be held once a year to:

- Review the building's condition and past maintenance;
- Agree on future repairs or improvements;
- Approve accounts and budgets for the coming year;
- Elect or re-elect office bearers.

*Tips:

- Give all owners at least 14 days' notice of the meeting.
- Make reasonable efforts to reach all owners, and document that it has been done (save emails, texts, take pictures of letters going through the letterbox).
- Circulate an agenda beforehand.
- Try to schedule the meeting at a time and place accessible to most owners (including virtual options, if needed).

Who should be invited to the AGM?

- All owners, even those who can be “difficult”, should be invited to the AGM.
- If you have a property factor and they offer a service to chair the meetings then a representative of the property factor could be at the meeting.
- There is also reason to invite tenants to meetings even though they do not have a vote¹².
 - o Improves information flow;

If tenants are included, they are more likely to share knowledge important to the building’s upkeep, e.g. point out small problems early) [54].

Makes tenants partners in implementation of building maintenance, meaning they are more likely to be supportive and less likely to be disruptive [55].
 - o Increases legitimacy of decisions (reduces conflict) [56].
 - o Enhances tenement wellbeing [57].

4.3.2.2 Running meetings

Keeping meetings efficient, fair, and well-documented helps build trust among owners.

Before the meeting:

- Prepare and share the agenda.
 - o A meeting agenda should set out, in order, the topics to be discussed, the decisions to be made, and any actions to be agreed, so that participants know what will be covered and can prepare accordingly. It should include an ‘Any Other Business’ item at the end, to ensure that owners can raise any concerns not covered elsewhere on the agenda.
- Circulate any documents (e.g. quotes for repairs, budget reports) ahead of time.
- Think about where the most suitable place might be to hold the meeting. You want a room big enough so that everyone can sit around a table and easily speak to each other. Some local councils provide free room hire for association meetings. You might also investigate whether any local community organisations might be able to provide space for a small fee.

During the meeting:

- Encourage contribution from everyone:
 - o Set expectations early:

Let people know participation is valued and expected.
 - o Create a safe environment:

Emphasise that all ideas are welcome and there are no “wrong” answers.
 - o Respond respectfully:

Avoid interrupting or dismissing comments.
 - o Use round-robin sharing:

Give everyone a chance to speak briefly.
 - o ‘One singer – one song’ is a helpful rule of thumb: only one person should speak at a time.

Some groups may also benefit from using a “talking stick,” where only the person holding the stick (or another object) is allowed to speak.
 - o Call on people gently:

For example, “Alex, do you have any thoughts on this?” (avoid putting people on the spot harshly).
 - o Allow think time:

Pause after asking a question; silence often encourages responses.

¹² Note, much of the research in this area relates to the inclusion of tenements in the social rented sector.

DEMOCRATIC SKILLS FOR SUSTAINABLE TENEMENT STEWARDSHIP

- o Model openness:

- Share your own uncertainties or ask for help.

- o Avoid dominating the conversation:

- Leave space for others.

- o Encourage quieter voices:

- Balance participation so a few voices don't take over.

- o Encourage other means of communicating:

- The chair might tell co-owners that if they would rather have a private word at the end or follow up by email then that this is fine.

- In larger groups, you can also use techniques to provide some anonymity which might in some cases make people more willing to raise difficult issues: e.g. writing concerns down on postcards or 'post it' notes that can be read out by the person leading the meeting, with no names being mentioned.

- o Stay 'on topic':

- When discussion drifts off topic, acknowledge any points raised and reassure the speaker that it will be addressed later at a specific stage in the meeting (such as during 'Any Other Business' if the topic is not covered elsewhere), before guiding the group back to the original topic.

- Take meeting notes (called 'minutes'), summarising:

- o Who attended.

- o Key discussion points.

- o Decisions taken (especially votes).

- o Actions agreed and who is responsible.

- o TIP: ask owners if you can record meetings. Some software allows meetings to be transcribed, and AI can generate minutes automatically (although these should be checked manually for accuracy).

- o TIP: the minute taker should be encouraged to ask for clarity about decisions being made if this is not clear, either at the meeting or subsequently, e.g. by emailing owners for confirmation.

- Make decisions according to the decision-making rules (e.g. those in the titles or TMS).

After the meeting:

- Circulate the draft minutes within 7–14 days.

- Keep a record of minutes and decisions to refer back to when needed.

Good Practice Tips

Inclusivity and transparency are crucial when it comes to owners' association activity. They are essential for encouraging people to be involved building and maintaining trust.

- Make all documents relating to the activity of the association available to all owners. This includes key documents, such as the constitution, as well as day-to-day correspondence (e.g. with the local council or factor).
- Consider using a shared email or cloud folder to store association documents.
- Communicate regularly; even informal updates help build engagement.
- Involve absentee landlords or letting agents where relevant.

4.3.2.3 Office bearers

While informal arrangements are possible, having named roles can improve clarity and accountability. Who fills these roles should be decided at the AGM and serve for one year (although they might be reappointed).

Chairperson

Often acts as spokesperson for the group

Leads meetings and ensures everyone is heard

Helps keep discussions focused and constructive

TIP: it can be useful to have a 'vice chair' who can take meetings when the chair can't attend

Secretary

Sends out meeting notices and agendas

Keeps records (e.g. minutes, correspondence)

Acts as the main point of contact for external parties

TIP: It can be useful to share out the work by having a 'minutes secretary'

Treasurer

Manages the association's bank account (if one exists)

Collects contributions and pays bills

Keeps financial records and prepares simple statements for owners

4.3.2.4 The role of factors

Property factors act as the owners' agent, carrying out management duties on owners' behalf. They are professionals appointed by flat owners and will fulfil a range of duties related to the management and maintenance of the shared parts of a building¹³. The role is regulated by the Property Factors (Scotland) Act 2011, which ensures that all registered factors meet minimum standards, adhere to a Code of Conduct, and provide a clear Written Statement of Services. But they do not own the building and so are not ultimately responsible for any aspect of the building other than whatever services they have been contracted to provide to the co-owners, which will be detailed in the Written Statement of Services.

➤ See Under One Roof guide to property factors [here](#) [58].

➤ See factors Code of Conduct [here](#) [59].

In general, tenements that are factored tend to be in a better condition [60].

In the absence of professional management, owners must manage the administrative duties of the association themselves. But many owners will find this to be time-consuming and difficult.

1. A good factor brings organisation, technical, legal, communications and administrative expertise.
2. Good property management is more effective where there is active owner involvement. Regular communication with the factor, clear expectations, and a willingness to collaborate all help ensure the building is well-maintained and future-proofed.

Where a factor is present it is important that there is clarity on how the roles of the factor differ from the roles of the owners (either organised as an association or individually). Figure 1 provides an overview the different responsibilities between the factor and an owners' association.

¹³ Factors may have been appointed through a process of 'custom and practice.' This should be reflected in their Written Statement of Services, which is issued to all owners and confirms their Authority to Act.



Figure 1 - How factors and OAs contribute to good tenement governance

Table 6 shows the examples of the common roles of property factors compared to owners of tenements.

Note: the table should be seen as illustrative only, as the precise roles of the factors in each case will be determined by the factor's Written Statement of Services.

Table 6 - Illustrative roles of factors vs. owners in Scottish tenements¹⁴

Responsibility	Property Factor	Individual Owners / Owners' Association
Administrative management	Manages the day-to-day administration of the property or development, keeps records, arranges meetings if required and communicates with owners.	Oversees the factor's performance, raises issues collectively and participates in decision-making at meetings. May form or join an owners' association to coordinate views.
Financial management	Prepares and issues invoices, collects owners' payments, maintains accounts, and pays contractors for common works. Must follow procedures outlined in the Written Statement of Services .	Reviews accounts and expenditure, queries charges if unclear and agrees to major or non-routine costs (depending on titles or Deed of Conditions).
Building maintenance	While services will vary, depending on the Written Statement of Services , often factors organise and supervise common repairs and maintenance (e.g. cleaning, landscaping, roof repairs), appoint and manage contractors.	Approves or requests major repairs and improvements, ensures works meet owners' expectations and raises complaints if maintenance standards are not met.
Compliance and Standards	Must comply with the Property Factors (Scotland) Act 2011 and the Code of Conduct for Property Factors . Ensures that contractors and services meet regulatory and safety standards.	Responsibilities set out in property titles and (default Tenement Management Scheme). Ensures that the factor is acting within their legal duties and can complain to the First-tier Tribunal (Housing and Property Chamber) if the factor breaches their obligations.

Sometimes people experience difficulties with factors [1]. Therefore, it is important to choose your factor well. When choosing a factor, owners are advised to look for experience, transparency, and services that match their building's needs.

It is notable that most tenements in and around the Glasgow area are factored, whereas the majority outside this region are not.

➤ For flat owners outside of greater Glasgow, consult friends or contacts who own flats in the west of Scotland to learn from their experiences with factoring.

Should disputes arise later with a factor, a number of steps can be taken to resolve the dispute. Table 7 provides a step-by-step guide to resolving disputes with factors.

¹⁴ Adapted for the Scottish context from [121]

DEMOCRATIC SKILLS FOR SUSTAINABLE TENEMENT STEWARDSHIP**Table 7 - Guide to resolving disputes with factors¹⁵**

Step	Action	Description	Key points / Tips
1	Start Informally	Contact your factor directly to discuss the issue.	• Speak to your property manager or attend an owners' meeting. • Many issues arise from misunderstandings and can be quickly fixed. • Keep a record of all conversations and correspondence.
2	Organise with Other Owners	If several owners are affected, work together.	• Arrange an owners' meeting or form an owners' association. • A united approach strengthens your case and communication with the factor.
3	Use the Factor's Official Complaints Procedure	If informal steps fail, submit a written complaint using the process in the factor's Written Statement of Services.	• Complaints must be in writing (email or letter) • Usually a two-stage process: first complaint escalate to a senior manager or director. • Free to use and should include response time.
4	Try Mediation (Optional)	Consider community mediation before going to the Tribunal.	• Can help resolve disputes with the factor or other owners amicably. • Quicker and less costly than formal proceedings.
5	Apply to the First-tier Tribunal (FTT) – Housing & Property Chamber	If the complaints procedure doesn't resolve the issue, take your case to the FTT.	• No legal representation required (optional). • Free to use. • The Tribunal can order compensation or changes in the factor's conduct.
6	Prepare Your Case	Gather and organize all evidence and documentation.	• Reference specific clauses from the Property Factors Code of Conduct. • Include timelines, correspondence and how the issue has affected you. • Each owner must submit their own complaint (even if identical).
7	Attend the Hearing (if applicable)	Present your case to the Tribunal.	• Hearings are informal and usually held in public. • Bring a helper or representative if needed. • A decision is usually issued within four weeks.
8	Comply and Await Outcome	If the factor is found at fault, a Property Factor Enforcement Order (PFE0) may be issued.	• Orders can include apologies, compensation, or procedural changes. • Factor found to be at fault has 21 days to comply or appeal. • Failure to comply with a PFE0 is a criminal offence.
9	Appeal (if necessary)	If you disagree with the decision, appeal on a point of law.	• Appeals go to the Upper Tribunal for Scotland. • Must be based on legal grounds, not just dissatisfaction with the outcome.

If owners are dissatisfied with their property factor, they have the right to dismiss them. The specific process for doing so will depend on the provisions set out in the titles.

➤ You can view the Scottish Government's official guidance on how to appoint or dismiss a property factor [here](#) [61].

¹⁵ Table derived from [122]

DEMOCRATIC SKILLS FOR SUSTAINABLE TENEMENT STEWARDSHIP**4.3.3 Examples of using reasoning skills in owners' association governance****4.3.3.1 *Falsely assuming that the factor is responsible for maintenance***

Challenge Quote	"I thought the factor sorted all maintenance. Isn't that their job?"
Details	Owners assume the factor must handle every aspect of property management, even those not listed in the Written Statement.
Suggestion	Use identifying assumptions to question what owners believe the factor's role includes and verify it against the contract.
Response Quote	"We might be assuming too much. The Written Statement only covers routine maintenance, not major repairs."

4.3.3.2 *Rotation vs. straight election of office bearers*

Challenge Quote	"Should we rotate the chair every year or let them stand for re-election indefinitely?"
Details	Owners are unsure whether to rotate office bearers regularly or allow straight re-election and want to understand which approach is best.
Suggestion	Use weighing evidence to evaluate pros and cons of each method: rotation encourages participation and fairness; straight election may maintain continuity and expertise. Consider the OA's goals, size, and member engagement.
Response Quote	"Rotation gives everyone a chance to lead, but keeping the same person can provide continuity. Let's weigh which fits our building's needs best before deciding."

4.3.4 Examples of using communication skills in owners' association governance**4.3.4.1 *The factor does not respond to owners' request for work***

Challenge Quote	"We've emailed three times and still no reply. Are they even listening?"
Details	Owners feel ignored because the factor hasn't responded to repeated requests about delayed repairs.
Suggestion	Use questioning to prompt a response and clarify the situation, asking open and specific questions that encourage explanation and accountability.
Response Quote	"Just to confirm, you're waiting for two more owners to pay before authorising the roof repair is that correct?"

4.3.4.2 *Owners feel ignored during association meetings*

Challenge Quote	"I tried to speak up, but nobody really listened."
Details	Some owners feel their input is overlooked during meetings or elections.
Suggestion	Apply active listening: pause, repeat, and acknowledge contributions.
Response Quote	"Thanks for raising that point. Can you expand on that a bit more just to make sure we all understand?"

4.3.5 Examples of using interpersonal skills in owners' association governance**4.3.5.1 *Recognising personal bias towards favoured office bearer***

Challenge Quote	"I'd like to vote for my neighbour because I know them."
Details	Owners may favour friends or themselves without realising it, affecting fairness in elections.
Suggestion	Use self-awareness to reflect on personal biases before voting.
Response Quote	"I realise I know one candidate personally, but I'll consider all nominees based on suitability for the role."

DEMOCRATIC SKILLS FOR SUSTAINABLE TENEMENT STEWARDSHIP**4.3.5.2 Co-owners worry about volunteering to be office bearers**

Challenge Quote	"I don't want to volunteer as treasurer. I'm worried I'll make mistakes."
Details	Some owners feel nervous about volunteering for roles.
Suggestion	Use empathy to acknowledge concerns and encourage participation by validating feelings.
Response Quote	"I understand it can feel intimidating, but we'll support you and guide you through the process."

4.4 How do you manage the finances of an owners' association?**4.4.1 Key issues in brief****Challenge**

There may be a lack of awareness about the financial aspects of running an owners' association.

Notes	Key resources
Good financial practices are essential to manage the finances of the owners' association. This should involve setting up maintenance and building reserve funds with dedicated bank accounts.	Under One Roof guide to Keeping accounts in a tenement owners' association [62].
Possible Action points	
➤ Research and share key resources on building finance and accounting.	

4.4.2 More detail**4.4.2.1 Paying for works**

When a repair is planned and owners are asked to make an advance payment for a repair, they must be told in writing (see TMS, rule 3.4) [18]:

- What the repair is.
- Why it is required.
- The estimates received.
- Their and other owners' shares.
- Who made the decision to carry out these repairs and when.
- A timetable for the work.
- Refund arrangements if the work does not go ahead.

4.4.2.2 Association bank accounts

To manage financial matters three types of accounts are recommended for tenement associations, each with a distinct purpose:

Common Bank Account

A **common bank account** can be used to hold advance payments for repairs, known as a **float**. A float is usually a few hundred pounds per flat and is used to ensure that money is available to deal with minor repairs quickly, without having to take time to contact every owner. This account could be managed by the association or by a property factor acting on its behalf.

Most property factors require owners to pay a float (an advance deposit) to cover routine management costs and minor repairs without needing individual approval. Floats bridge the gap between contractor payments and owners' quarterly bills, preventing factors from carrying financing costs and bad debts.

Purpose: Provides working funds for day-to-day repairs and services.

Payment: Usually a one-off payment on purchase or entry; amount often set in title titles.

Adjustments: May increase over time to reflect current repair costs.

Legal requirements:

- o Must be held in a separate client account.
- o Returned when the property is sold or factor changes, minus outstanding charges.

Maintenance Account

A **maintenance account** is used to hold money for minor repairs and ongoing maintenance. The TMS sets out the rules for setting up and managing maintenance accounts.

They should:

- Be held in a bank or building society.
 - Be interest bearing accounts.
 - Require at least two owner signatures (or a property factor's authorisation for making payments).
- Search online [here](#) [63] for a bank that can provide such an account. They are often referred to as charity, non-profit or community accounts.

Most banks will require a constituted owners' association before allowing such an account to be opened.

Building Reserve Fund

A building reserve fund or sinking fund is a way of saving for future major repairs. It should be written into the property's titles to ensure that future owners are obliged to pay into the fund (see Section 3.5.2.1 on changing the property's titles).

- Follow Under One Roof's [recommendations for Building Reserve Funds](#).

4.4.2.3 Insurance requirements

Under section 18 of the Tenements (Scotland) Act 2004, each flat owner must insure both their flat and their share of the common property to cover full rebuilding costs (reinstatement value), not just market value [14]. Owners have the legal right to request written proof from others that they are properly insured, to the correct amount and with paid premiums. Once this request is made of an owner they must provide this evidence within 14 days. If an owner is not properly insured, others can take legal action to enforce this obligation.

A practical way to address insurance in tenements is for owners to agree to arrange a common (or block) insurance policy. This type of policy covers all flats and shared parts under a single agreement. Where the titles do not specify insurance provisions and the default rules in the Tenements (Scotland) Act 2004 apply, owners can make a scheme decision under TMS rule 3.1(e) to instruct a common insurance policy to meet this legal duty.

- See Under One Roof's guide to insuring your tenement [here](#) [64].

4.4.3 Examples of using reasoning skills for financial management of owners' associations**4.4.3.1 Allocating funds to reserve accounts**

Challenge Quote	"Why should we pay more now when nothing major needs fixed?"
Details	Owners are unsure how much to allocate to a building reserve for future repairs.
Suggestion	Use weighing evidence, evaluating consequences and prioritisation to examine projected maintenance costs, assess risks of underfunding, and balance short-term affordability with long-term financial sustainability.
Response Quote	"If we look at the surveyor's report, the roof and stonework will need attention within five years. Building the reserve gradually now avoids a sudden large bill later."

4.4.3.2 Choosing and insurance provider

Challenge Quote	"I don't know which quote is better; one is cheaper, but another has more coverage."
Details	Owners are unsure which insurance provider offers the best coverage for cost.
Suggestion	Use weighing evidence to compare provider quotes, coverage details, and reliability.
Response Quote	"Let's compare these quotes side by side (e.g. coverage, cost and provider reliability) before deciding."

4.4.4 Examples of using communication skills for financial management of owners' associations

4.4.4.1 Explaining unfamiliar financial matters

Challenge Quote	“I have no idea how much I should contribute or why the costs differ from last year.”
Details	Owners do not understand maintenance accounts, reserve funds, or insurance details.
Suggestion	Use clear verbal and written communication to explain costs, allocations, and procedures in plain language.
Response Quote	“Here’s a breakdown of our maintenance costs and reserve contributions for the year. Each item is explained in simple terms.”

4.4.4.2 Showing openness during discussions

Challenge Quote	“The treasurer kept looking at their phone while we asked questions.”
Details	Owners may feel intimidated if leaders appear closed off or impatient during financial discussions.
Suggestion	Use positive non-verbal communication such as eye contact, nodding, and open posture to show engagement.
Response Quote	[Smiling and nodding] “I’m glad you brought that up. Let’s review the numbers together.”

4.4.5 Examples of using interpersonal skills for financial management of owners’ associations**4.4.5.1 Managing frustration about costs**

Challenge Quote	“It feels like we’re paying too much every year!”
Details	Owners may become frustrated with high maintenance costs or insurance premiums.
Suggestion	Apply self-regulation to stay calm and contribute constructively to discussions.
Response Quote	“I’m frustrated by the costs, but let’s review the numbers and priorities calmly.”

4.4.5.2 Recognising that costs may be more of a challenge to come than to others

Challenge Quote	“Why are you complaining about a small increase? It’s not a big deal.”
Details	Some owners may dismiss others’ financial concerns or priorities.
Suggestion	Use respect for others to ensure all opinions are considered seriously.
Response Quote	“I see your point. Let’s consider all perspectives before finalising contributions. And I know Citizens Advice and Money Advice Scotland can give money advice. It might be worth seeing an independent financial adviser”.

4.5 How do you manage ongoing maintenance?**4.5.1 Key issues in brief****CHALLENGE**

There may be limited awareness among owners about when or whether parts of the building require repair. Often, owners only respond once an issue has already caused dysfunction, rather than proactively managing ongoing maintenance. This reactive approach can result in higher costs over time.

Also, as discussed in Section 3.2, owners can be unaware of their responsibilities for tenement maintenance or, as discussed in Section 4.2 how decisions about repairs are made and how costs are shared out. Costs of repairs are also an obstacle, as discussed in Section 4.6.2.

Notes	Key resources
Different parts of a building will require maintenance at different times. It is important to have some background knowledge about both the expected lifespan of building components and the frequency with which they may need repair.	Review the ' Common Repair, Common Sense ' document for guidance on ongoing maintenance [14].
Possible Action points	
➤ Research and record when different parts of the building were last repaired and share this information with owners.	

4.5.2 More detail

4.5.2.1 Being proactive

It is important that owners avoid waiting until problems with the common parts of a tenement building become serious before taking action. A purely reactive approach often leads to higher costs in the long run.

A more effective strategy is to take a proactive role in maintenance. This helps prevent costly surprises and keeps the building in good condition. Several practical steps can support this approach:

- Annual professional inspections: Engage qualified experts to assess the building's condition and identify any repairs or risks early.
- Planned maintenance schedule: Create a clear timetable for routine upkeep and anticipated works, ensuring tasks are budgeted and prioritised.
- Saving for future repairs: Set aside funds regularly to cover major works or unexpected issues, reducing financial pressure when repairs arise.
- Close liaison with your factor: Maintain strong communication through site visits and regular meetings to stay informed about the building's condition and upcoming works.
- When expensive repairs are being considered owners might put a Notice of Potential Liability for Costs (NPLC) on all the flats on the building (see Section 4.6.2.2).

To stay on top of maintenance more generally, two pieces of information are especially useful:

1. **Maintenance history:** knowing when different parts of the building were last repaired or replaced. If no records exist, this information can often be gathered by asking fellow co-owners.
2. **Maintenance cycles:** having an idea of how long different parts of the building typically last before they need attention again.

Table 8, reproduced from the Consumer Focus guidance on tenement maintenance [14], provides a suggested maintenance schedule. It sets out the typical time intervals at which different tasks should be carried out, helping owners to plan preventive maintenance that supports the safety and longevity of their building.

Table 8 - Good building maintenance schedule

Frequency	Maintenance tasks
Every year	• Gutter cleaning • Roof inspection and minor reactive repairs • Flashings on the roof and cupolas • Check and repair harling and render cement coatings • Chimney heads and chimney pots • TV aerials and fixings

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Frequency	Maintenance tasks
Every 3–5 yrs	• Door-entry systems • External paint work on doors, windows, • Gutters and downpipes
Every 5–10 yrs	• Stair painting • Mastic around windows • Repair felt roof coverings
Every 10–15 yrs	• Pointing – mortar between stone/brick in walls • Replace uPVC windows
Every 10–20 yrs	• Renew render coatings on walls or chimneys
Every 20–30 yrs	• Replace felt roof coverings • Major overhaul of tiling on roofs
Every 40–50 yrs	• Replace lead roofs • Replace tiled roofs • Some work to sandstone walls and chimney heads
Every 50–100 yrs	• Replace slated roofs • Replace cast iron gutters and downpipes • Replace external woodwork • Replace cast iron railings

4.5.2.2 Following proper procedures

Following proper procedures is a critical part of the repairs process. It is essential if you later require assistance from your local council or need to pursue legal action. The process will usually involve the following steps:

1. Identify the repairs needed (and check whether warrants or consents are required).
2. Inform fellow owners and reach collective decisions.
3. Find suitable contractors.
4. Obtain competitive quotes.
5. Secure final agreement from other owners.
6. Arrange for owners to pay in advance.
7. Sign a contract with the chosen builder.
8. Oversee work on-site.
9. Address any on-site problems that arise.
10. Make payment.

An important aspect of proper procedures is ensuring that all discussions and decisions made at meetings are recorded in writing and shared with every owner, including those who were not present.

A helpful step-by-step guide to this process has been produced by Under One Roof.

➤ Download the guide [here](#) [65].

DEMOCRATIC SKILLS FOR SUSTAINABLE TENEMENT STEWARDSHIP**4.5.3 Examples of using reasoning skills to address ongoing maintenance****4.5.3.1 Deciding when repairs are needed**

Challenge Quote	“Is that crack serious or can it wait until next year?”
Details	Owners may disagree on whether an issue requires repair or replacement.
Suggestion	Use weighing evidence: inspect the issue, consider expert advice, and evaluate risks.
Response Quote	“Let’s get the factor to inspect the crack and advise if it needs immediate action.”

4.5.3.2 Ignoring maintenance issues

Challenge Quote	“It’s just a small leak. Maybe we can wait a bit.”
Details	Owners may delay reporting issues, risking damage, or higher costs.
Suggestion	Use evaluating consequences to consider long-term costs, legal liability, and safety.
Response Quote	“Even small leaks can cause serious damage. Let’s report this to the factor now.”

4.5.4 Examples of using communication skills to address ongoing maintenance**4.5.4.1 Knowing who to contact and how**

Challenge Quote	“I’m not sure who to tell about the leaky roof or broken lights.”
Details	Owners may not understand how to report or communicate maintenance issues.
Suggestion	Use clear verbal and written communication to explain reporting procedures and responsibilities.
Response Quote	“If you notice any damage, email the factor and CC the association secretary. We’ll track it from there.”

4.5.4.2 Explaining technical maintenance

Challenge Quote	“I don’t know what a flashing or soffit is, so I can’t tell if it’s a problem.”
Details	Some owners may not understand technical terminology related to repairs or inspections.
Suggestion	Use adapting communication to explain technical issues in plain language.
Response Quote	“A flashing is the metal strip on the roof edge. It’s worn and needs attention. The soffit is the underside of the eaves; that’s the edges of a roof that extend past the walls of a building.”

4.5.5 Examples of using interpersonal skills to address ongoing maintenance**4.5.5.1 Recognising personal bias in reporting maintenance issues**

Challenge Quote	“The damp on the outside wall doesn’t look that bad, so I guess it can wait.”
Details	Owners may ignore maintenance issues because they personally don’t perceive them as urgent.
Suggestion	Apply self-awareness to recognise personal biases and consider the impact on the building.
Response Quote	“Even if I think it’s minor, I’ll report it, so the building is properly maintained.”

4.5.5.2 Managing frustration with delayed repairs

Challenge Quote	“It’s been weeks since I reported the leak and nothing’s happened!”
Details	Owners may become frustrated if repairs are slow, risking tense interactions.
Suggestion	Use self-regulation to stay calm and engage constructively with the factor and committee.
Response Quote	“I’m frustrated by the delay, but let’s contact the contractor politely and ask for an update. While we do that, we can remind them of their contractual obligations.”

4.6 How do you deal with uncooperative or disruptive co-owners?

4.6.1 Key issues in brief

CHALLENGE

No matter how well an owners' association is managed, there is always the risk that uncooperative owners may create difficulties, either by refusing to take part or by actively obstructing essential maintenance.

Notes	Key resources
There are several options for enforcing repairs. Before you take formal action, it is important that you follow proper procedures and try to do your best to reach agreement with co-owners. If this fails, the following are available to owners. • Contact your local council to ask for help, e.g. with the Duty to Maintain or about paying Missing Shares. • Register a Notice of Potential Liability for Costs against a flat in the Register of Sasines or Land Register. • Where work has already been carried out, take legal action: either a Simple Procedure, where costs are under £5000, or Ordinary Cause action, where costs are over £5000 (this will require a solicitor). See section 4.6.2.3.1 for more detail.	Emergency repairs: See Under One Roof guide to Emergency Repairs here [66]. Enforcing a Duty to Maintain See the Under One Roof guide to the Duty to Maintain here [22]. Missing shares: The Under One Roof explainer of Missing Shares [67]. The Edinburgh Council Missing Shares Factsheet [68]. Notice of Potential Liability See the Harper Macleod guide to Notices of Potential Liability for Costs here [69]. Legal action: See the Scottish Courts and Tribunal Service guide to Simple Procedure here [70]. See the Scottish Courts and Tribunal Service guide to Ordinary Cause actions here [71].

4.6.2 More detail

There may be many reasons why co-owners are being uncooperative. It is important to understand what these reasons are before taking more formal measures.

For example, if an owner cannot afford to pay, taking more formal action will not address that problem and other options can be considered. These might include:

- Owners reach an informal agreement to adjust payment terms (e.g. spread the payments out over a longer period).
- If the action is more urgent, owners might reach an informal agreement to cover the shortfall collectively in the short term and take payments from a co-owner in instalments (e.g. seven out of eight owners might agree to pay the remaining share between them).
- In some cases, financial support might be available for co-owners who are struggling financially.
- Owners who currently lack the funds to contribute might consider options such as taking out a loan or extending their mortgage.
- Split the bill between the owners willing to pay (e.g. divide by seven rather than eight).

➤ You can also seek guidance from a local money advice centre or Citizens Advice for support.

➤ Contact your local council for advice on financial support (see Section 4.6.2, especially the section on Missing Shares).

➤ Contact Scottish Mediation for help with finding someone to mediate in any disputes. Their website is [here](#) [72].

If discussions do not progress some other options include:

- Proceed to instruct the repair, settle the bill, and then invoice the owner.
- Consider sending owner a 'Letter of Intent to Sue' [73].

If these measures do not work, then more formal procedures can be considered. Before considering these, you should have already:

- identified all your co-owners (Section 3.3).
- followed proper procedures (Section 4.5.2.2).
- be undertaking maintenance not improvements.
- have done your best to negotiate with your co-owners.
- considered the needs of vulnerable owners, such as how to finance repairs.

4.6.2.1 Help from your council to enforce repairs

Your local council has a number of powers it can use to enforce repairs. And council staff can be a valuable source of advice, help mediate disputes and, in some cases, take steps that individual owners cannot. In this section the role of the council 1) in enforcing the Duty to Maintain, 2) providing Missing Shares and 3) other enforcement actions are discussed.

Enforcing the Duty to Maintain

Owners must pay their share of repair costs once work has been properly agreed or immediately after completion if carried out under the Duty to Maintain [23]. This obligation continues even if the flat is sold.

To help with the Duty to Maintain you can ask your council. Your council may be able to serve a Work Notice or use the Missing Shares provision (see later in this section).

Before you contact your council, it is important that you do the following:

- Remind owners of their legal duty
 - o First try talking to co-owners about their Duty to Maintain.
 - o If this doesn't work, try writing to them; you can use / adapt [this template](#) provided by Under One Roof [22]

Note: a challenge with this approach is that when a former owner has moved away it may make it difficult to recover payment.

➤ See the Under One Roof guide to the Duty to Maintain [here](#) [22].

Missing shares

A particularly helpful measure which can be implemented by some local councils is the Missing Share [67]. A Missing Share is the portion of the cost of a common repair in a shared building (like a tenement or apartment block) that one or more owners fail to pay.

Councils generally only pay Missing Shares if:

- All owners have followed the correct procedures for arranging repairs.
- A majority of owners have agreed to the repairs.
- The repair work is necessary and reasonable, considering the building's condition.
- Each owner is being asked to pay their correct share.
- Work has not yet begun.

Some (but not all) councils can cover Missing Shares when a minority of owners fail to pay their portion of common repair costs. Each council which has Missing Shares schemes have specific rules on qualifying for the scheme, but generally they will only provide missing shares if:

- One or more owners refuse or are unable to pay.
- An owner cannot be located after reasonable efforts.
- It is unreasonable to expect an owner to pay.

It is important to note that council budgets for Missing Shares are often limited, so even if you qualify, funding may not always be available.

- To explore accessing Missing Shares, before repair work starts contact the council's Housing Team or Environmental Health Services.

An overview of the procedure you should follow to access missing shares is provided in Table 9.

Note: the details in Table 9 should be considered illustrative as procedures can vary slightly between councils.

Table 9 - Procedure for missing shares¹⁶

Step	Action	Notes / Details
1	Check council policy	Confirm your council uses Missing Shares powers and the requirements for qualifying.
2	Arrange repairs	Follow proper procedures and gain majority agreement.
3	Notify owners	Send a notice requiring payment into the maintenance account (sometimes called a Section 50 Notice).
4	Identify non-payers	Determine which owners are unwilling or unable to pay.
5	Apply to council	Submit a formal application for Missing Shares before work starts .
6	Begin repairs	Only after Missing Shares approval is granted.
7	Obtain final majority agreement	Ensure most owners agree to pay the final bill.
8	Send final bill	Allow owners time to make payment.
9	Request council intervention	If payment is not received, ask the council to cover the missing shares.
10	Council pays	Council deposits the appropriate amount into the maintenance account.
11	Recover costs	Council may reclaim funds from non-paying owners, usually via a repayment order.

Other assistance from councils

Where councils do not offer to pay missing shares, they might take a range of other actions. For example:

- They send a formal letter to the non-paying owner stating that the council will cover the cost upfront.
- The letter explains that the amount will be recovered later, with high interest and administrative fees applied.
- The council will secure repayment when the property is sold or transferred.

Anecdotally, most owners who receive these letters choose to pay before the council steps in, avoiding additional costs and complications.

Some councils may offer discretionary grants (e.g. Falkirk) or statutory grants, but these are generally only available where a building is in serious disrepair. Such funding is intended as a last resort to prevent further deterioration and ensure safety.

Besides missing shares, the main powers available to councils to enforce repairs are outlined in Table 10.

¹⁶ This table has been derived from the Under One Roof page on 'Missing shares' [67]

Table 10 - Summary of potential assistance from councils¹⁷

Power	What it does	When it's used
Work Notice	Requires repairs to protect the building fabric and keep a property in a reasonable state of repair.	When essential work is needed to bring or maintain a building to standard.
Repairing Standards (Private Landlords)	Compels private landlords to carry out repairs.	Primarily for tenants' protection but may also resolve common repair issues.
Maintenance Order	Prevents future disrepair by requiring ongoing maintenance.	Often issued after other notices.
Nuisance/Abatement Notice	Requires action to remove a public health nuisance.	When disrepair creates unsanitary or unsafe living conditions (e.g. poor refuse collection).
Closing Order	Declares a flat unfit for habitation.	When the condition of a property is so poor it is unsafe to live in.
Disrepair/Defective Building Notice	Requires repairs to restore a building to a reasonable state of repair, considering age, type, and location.	When disrepair poses risks to the building or public safety (e.g. falling roof tiles).
Urgent Disrepair Notice	Authorises immediate action to address urgent risks.	When urgent building fabric issues could cause health and safety concerns.

4.6.2.2 Notices of Potential Liability for Costs (NPLCs)

NPLCs (also abbreviated to NOPL) make someone planning to buy a flat jointly liable (with the existing owner) for the unpaid costs of work or maintenance.

For this to be effective the NPLC must be registered against the property in the Register with Registers of Sasines or the Land Register Scotland [74] at least 14 days prior to the date when the flat was bought by the incoming owner [69].

A tenement flat notice may only be registered by [69]:

- the owner of the particular flat;
- the owner of another flat in that tenement; or
- any manager of the tenement (i.e. the registered property factor).

Because it makes both a seller and a buyer of a flat jointly responsible for the repair costs, provided the notice is served on time, it often prompts the buyer to insist that the seller clears any outstanding debts before the sale or to negotiate a lower purchase price. For this reason, a Notice of Potential Liability for Costs can be a very effective tool for recovering unpaid maintenance costs, especially when an owner is preparing to sell their property.

New owners who are unaware that a Notice of Potential Liability for Costs (NPLC) was placed on the property should check with their solicitor to confirm whether this was reviewed before the sale was completed.

➤ See the Harper Macleod guide to Notices of Potential Liability for Costs [here](#) [69].

4.6.2.3 Taking legal action

Co-owners can take legal action if some owners won't pay their share of costs and the repair work has already been carried out.

There are two key routes of legal action owners can take: a Simple Procedure and Ordinary Cause Action.

- Proceed to instruct the repair, settle the bill, and then invoice the owner
- Consider sending owner a 'Letter of Intent to Sue'.

¹⁷ Tables derived from Under One Roof information on 'How the council enforces repairs' [123].

4.6.2.3.1 *Simple procedure*

A simple procedure (previously called a ‘small claims procedure’) is a low-cost, informal court process for claiming money owed by co-owners for common or mutual repairs, for sums up to £5,000. Arbitration and negotiation are encouraged, and the process is designed for people to proceed without legal representation; it is expected that individuals will represent themselves, and fees for legal representation cannot be claimed.

Eligibility:

- Correct repair procedures should be followed (Section 4.5.2.2).
- Only for claims under £5,000.

Support:

- Lay representatives or courtroom supporters can assist but cannot speak for you.
- Advice available from courts or Scottish advice centres.

➤ See the Scottish Courts and Tribunal Service guide to Simple Procedure [here](#) [70].

4.6.2.3.2 *Ordinary Cause action*

An Ordinary Cause action is a formal type of civil court case in Scotland used to resolve more complex or higher-value disputes, typically involving sums over £5,000 [71], [75].

Key points:

- It is more formal and structured than the Simple Procedure.
- Usually requires legal representation (a solicitor) because of the complexity.
- When raising an ordinary action, there is a risk that the court may order the party bringing the case to pay the other side’s legal costs if they are unsuccessful.
- Covers a wide range of civil claims, such as:
 - o Large unpaid repair costs in shared property.
 - o Contract disputes.
 - o Debt recovery over £5,000.
- Follows the Rules of the Court of Session or Sheriff Court, with strict procedures for evidence, pleadings, and hearings.
- Decisions can include payment orders, enforcement measures, or other remedies.

➤ See the Scottish Courts and Tribunal Service guide to Ordinary Cause actions [here](#) [71].

4.6.3 Examples of using reasoning skills to help to deal with uncooperative owners

4.6.3.1 *Evaluating legal vs. informal solutions*

Challenge Quote	“If we go straight to court, it could cost more than the repair itself.”
Details	Owners feel divided between pursuing legal action quickly or attempting more dialogue with the uncooperative co-owner.
Suggestion	Apply critical thinking to weigh informal solutions (letters, mediation, council support) against legal remedies (simple procedure, ordinary case action).
Response Quote	“Before going legal, let’s check if a formal letter or council support could solve this with less cost.”

4.6.3.2 Gathering proof for recovery of money

Challenge Quote	“What if the court says we don’t have enough proof that the repair was necessary?”
Details	Without clear evidence (quotes, invoices, photos), owners worry they can’t prove costs to recover missing shares.
Suggestion	Apply weighing evidence by collecting professional inspection reports, repair invoices, and photographic records before pursuing recovery.
Response Quote	“Let’s get a surveyor’s note and keep all invoices so we have solid evidence if recovery goes to court.”

4.6.4 Examples of using communication skills to help with deal with uncooperative owners**4.6.4.1 Explaining responsibilities**

Challenge Quote	“I didn’t realise I had to contribute to roof repairs. It’s not directly above my flat.”
Details	Co-owners may claim ignorance of their duty to maintain, leading to disputes.
Suggestion	Use clear communication to explain legal duties in plain terms, supported by written references (titles, TMS, Tenements Act).
Response Quote	“Every owner is responsible for the roof under titles. Here’s a copy of the section that explains it.”

4.6.4.2 Clarifying reasons for refusal

Challenge Quote	“Nobody even asked why I don’t want to pay. I have reasons.”
Details	Owners don’t know why someone refuses to pay. It could be financial strain, misunderstanding, or distrust.
Suggestion	Apply questioning to gently explore reasons and address them directly.
Response Quote	“Can I ask—what’s your main concern about this repair? Is it the cost or something else?”

4.6.5 Examples of using interpersonal skills to help with deal with uncooperative owners**4.6.5.1 Understanding different circumstances**

Challenge Quote	“They’re just being difficult. Why can’t they pay like the rest of us?”
Details	Some owners may genuinely struggle to pay, but others assume they’re simply refusing.
Suggestion	Use empathy to consider that financial hardship or misunderstanding may be involved. In this case, the chair of the association might try to speak privately with any owner who is refusing to pay. In some cases, the issue may not be unwillingness but financial difficulty, which they may find hard to admit. This can sometimes come across as a refusal to pay. A discreet conversation can help clarify the situation and identify possible solutions.
Response Quote	“Could it be that the cost is difficult for you. Let’s see if we can agree on a payment plan.”

4.6.5.2 Staying calm under pressure

Challenge Quote	“As soon as they raised their voice, I lost my temper too.”
Details	Heated arguments arise when payment or legal enforcement is raised.
Suggestion	Apply self-regulation to control emotional responses and keep discussion focused on solutions.
Response Quote	“I understand this is stressful. Let’s stick to the facts and work through the options.”

5 Collaboration between a number of owners' associations

5.1 Summary of key challenges

Two key challenges are addressed in this section on organising beyond the scale of the individual tenement.

- What are the advantages and disadvantages of organising at a bigger scale than just one tenement?
- What type of organisation do we need to organise at a bigger scale than just one tenement?

5.2 What are the advantages and disadvantages of organising at a bigger scale than just one tenement?

5.2.1 Key issues in brief

CHALLENGES

Owners are not aware and have no experience of the possible advantages or disadvantages of larger scale organisation in managing tenement maintenance and improvement.

Notes	Key resources
Larger-scale organisations offer benefits such as improved management, cost savings through economies of scale (making renovations cheaper for individual households by working together), and the ability to own and manage shared assets like communal or district heating systems, which can lower energy costs for owners. On the other hand, organising at a larger scale can create more bureaucracy, greater complexity, and increased challenges in engaging with co-owners.	There are few resources on associations of owners' associations in the English language. One exception is the case study on YouTube of the district heating system in a neighbourhood of Madrid, Spain, which is owned by an association of owners' associations [76].
Possible action points	
➤ Research, learn, and share knowledge with co-owners about the advantages and disadvantages of larger organisational structures for tenement governance. ➤ Learn from examples of larger scale organising in other countries, such as Spain.	

5.2.2 More detail

There are several potential advantages of organising work on maintenance or improvement in tenements at a larger scale than an individual tenement. However, there are also considerable challenges in taking this approach. The key advantages and disadvantages are presented in Table 11.

Table 11 - Advantages and disadvantages of forming an association of owners' associations

Advantages	Disadvantages
Cheaper to undertake large jobs all at the same time (called “economies of scale”), e.g. fixing walls and roofs that connect several tenements is usually cheaper than each tenement hiring different contractors to do similar repairs on their own.	Coordinating improvement works across multiple tenements is more complex, e.g. greater complexity in programme of works and reaching agreements with a greater number of owners.
A larger scale is necessary to make some energy efficiency renovations work well, e.g. heating systems that serve several tenements may be cheaper to install and maintain than those of individual tenement [77], [78], [79] ¹⁸ and helps owners negotiate a better price with suppliers [76].	Realistically owners will need to create a formal and incorporated organisation [80] to deal with the greater scale and complexity [81], which presents its own challenges, e.g. changes in the titles for all owners of all of the flats in the buildings concerned requiring significant cooperation between all owners of the tenements, as well as the expense of hiring lawyers to scrutinise and amend the titles (Section 3.5.2.3).
Larger-scale organisation can improve the quality of governance of tenements, e.g. a larger membership means there are more people from which to source the management team making it more likely that there is better leadership and being better able to negotiate good deals with building specialists or other contractors [82]. ¹⁹	Forming multiple tenements into a single or connected governance structure has no precedent in Scotland; owners who wish to organise across tenements will be confronted by a process that will involve much trial and error, e.g. groups may need to experiment with different approaches to collaboration, decision-making and management structures to find what works best for their particular context.

5.2.3 Examples of using reasoning skills to help with a lack of knowledge about potential advantages and disadvantages of larger scale organisation

5.2.3.1 Overwhelmed by the complexity of larger scale organising

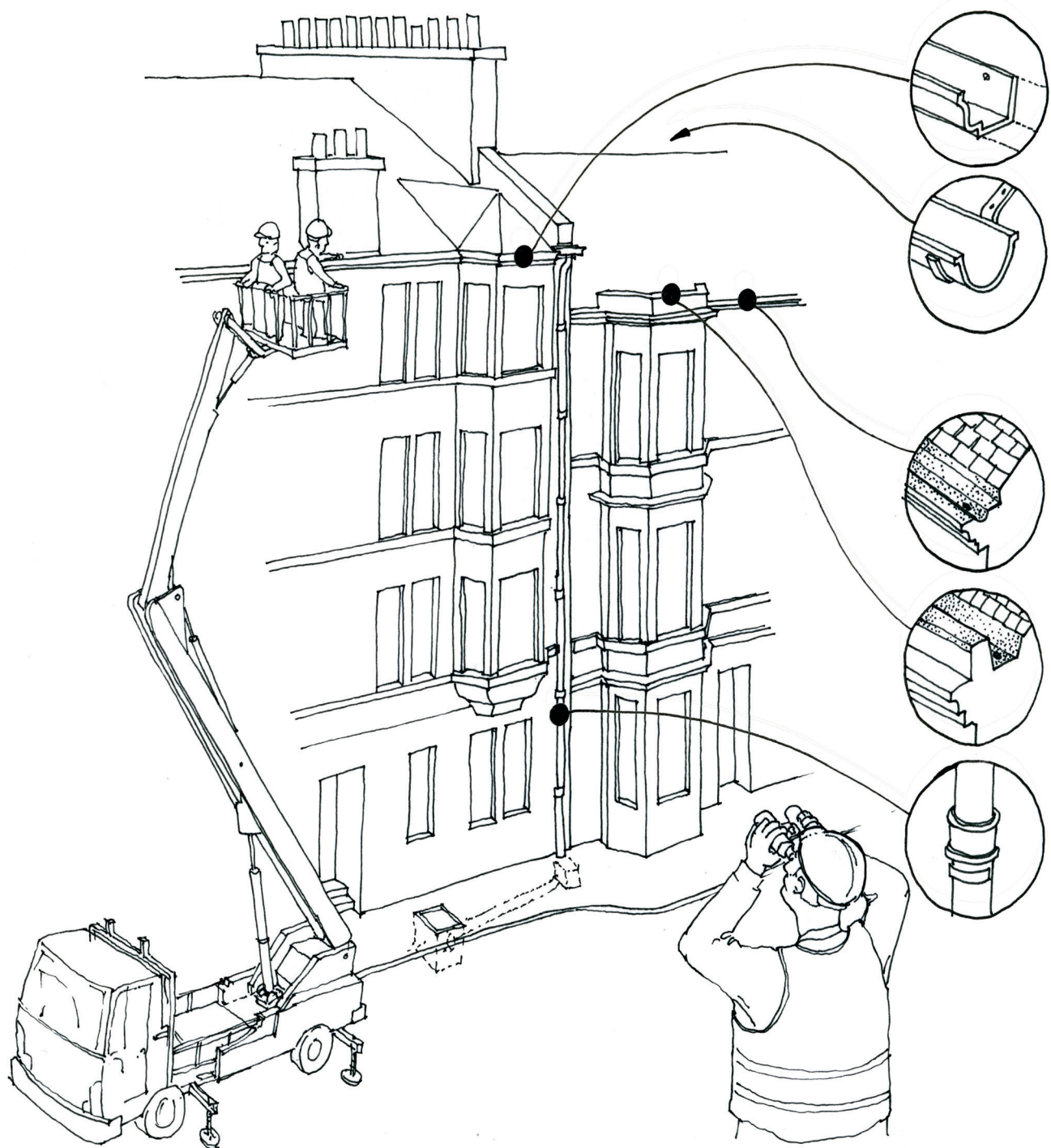
Challenge Quote	“There are too many things to think about. I don’t even know where to start.”
Details	Owners feel overwhelmed by the many factors involved (legal changes, costs, energy efficiency, governance).
Suggestion	Use logical thinking and weighing evidence to organise information into categories (financial, legal, practical, governance) and evaluate each in turn.
Response Quote	“Let’s list the pros and cons in four columns: finance, legal, practical, and governance. So we can weigh them systematically.”

5.2.3.2 A lack of models in Scotland to follow

Challenge Quote	“No one’s ever done this here, so how do we know it’ll work?”
Details	There is little Scottish precedent, so owners struggle to know whether the model is viable.
Suggestion	Use weighing evidence, look at research from other contexts (e.g., Spain) while noting differences in law and culture. Weigh international evidence against local feasibility.
Response Quote	“In Spain, these models help coordinate energy efficiency works, but we’ll need to see which parts could realistically work in Scotland.”

¹⁸ The optimal implementation of district heating depends on factors such as heating densities, current heating structures, and local conditions [124].

¹⁹ Notably, the benefits of improved quality of management which come from operating at a larger scale do not necessarily continue beyond a certain point. Karpestam & Palm [82] suggest an optimal size for building governance ranges from 40-150 apartments. Even the lower range (40 flats) is far in excess of many Scottish tenements, such as traditional sandstone tenements, where the number of flats rarely exceeds 8.



DEMOCRATIC SKILLS FOR SUSTAINABLE TENEMENT STEWARDSHIP**5.2.4 Examples of using communication skills to help with a lack of knowledge about potential advantages and disadvantages of larger scale organisation****5.2.4.1 Lack of clarity on benefit vs. risk**

Challenge Quote	“This just sounds like more hassle; I don’t see the upside.”
Details	Owners struggle to distinguish short-term challenges from long-term benefits.
Suggestion	Using questioning, facilitators ask probing questions to separate immediate concerns from broader advantages.
Response Quote	“Can I ask, do you see the cost savings as long-term, but worry mainly about how to coordinate at the start?”

5.2.4.2 Difficulties in explaining the advantages of economies of scale

Challenge Quote	“I don’t see how doing things together saves money. Won’t it just be more complicated?”
Details	Owners struggle to understand why it could be cheaper to coordinate work across multiple tenements rather than each block acting alone.
Suggestion	Using clear communication, leaders give plain-English examples, like comparing the costs of individual or shared scaffolding.
Response Quote	“Instead of each block hiring separate scaffolding, we could share one set, cutting the cost for everyone.”

5.2.5 Examples of using interpersonal skills to help with a lack of knowledge about potential advantages and disadvantages of larger scale organisation**5.2.5.1 Recognising personal biases about complexity**

Challenge Quote	“This all sounds far too complicated. No one will ever agree to it.”
Details	Some owners resist large-scale cooperation because they feel overwhelmed, but don’t acknowledge that their discomfort is personal rather than universal.
Suggestion	By practising self-awareness, owners can distinguish personal feelings of stress from the group’s actual capacity to cooperate.
Response Quote	“I know I feel overwhelmed by the idea, but that doesn’t mean others won’t find value in it. Let’s test the interest first.”

5.2.5.2 Sharing responsibilities across blocks

Challenge Quote	“If we do this, it’ll all land on a few of us to organise.”
Details	Owners fear they will be personally burdened with the admin of cross-tenement projects.
Suggestion	Practising cooperation ensures tasks (e.g., meeting organisation, contractor contact, finances) are shared fairly.
Response Quote	“Let’s divide the work. One group can handle finances, another can manage contractors, so no one is overloaded.”

5.3 What organisation types are appropriate for larger scale organising?

5.3.1 Key resources in brief

CHALLENGE

- Owners don’t know what organisational types they could use to organise maintenance or improvement across multiple tenements.

Notes	Key resources
Realistically, ongoing organising between a number of tenements will require the setting up of a formal legal organisational structure.	Different organisational forms
There are several legal structures for organising at a larger scale than at the level of the individual tenement. Many of these might be suitable for managing collective works or owning assets on behalf of tenement owners.	Argyll and Bute Council discuss different organisational forms in their Report on owners’ associations [32].
However, setting these structures up will present several challenges. Legal requirements for compliance and accountability are more demanding, making the setup and ongoing management more complex. Additionally, there are few existing examples to guide new groups, making the process less clear. Finally, organising on a larger scale involves coordinating with more people than live in just one tenement, making coordination more difficult.	‘Guidance for owners on the installation of solar panels, heat pumps or insulation in common parts of tenements in Scotland’ [83], produced by Harper Macleod, provides a good overview of legal issues of association in tenements. ‘Community Heat Development Programme Legal Structures and Governance Considerations in Community Heating’ [80], produced by Burness Paul for Local Energy Scotland provides an overview of legal structures available for community organising, with its main focus on community heating. Cooperatives UK provides an outline of the strengths of various cooperative legal structures [84]. It also provides model constitutions that could be adopted for the purposes of tenement organising [85].
Possible action points	
➤ Research, learn and share knowledge about suitable legal forms that might unite several owners’ associations. ➤ Research and learn about different models of managing scale in other countries. ➤ Contact a property lawyer to explore options.	

5.3.2 More detail

The authors of this toolkit are not aware of a single example of owners of multiple tenements organising themselves into a single or connected governance structure²⁰. While some owners’ associations set up using the Development Management Scheme (DMS) cover multiple buildings (including tenements) [10], these are typically established by developers before the sites are split into units owned by multiple owners.

As a result, any guidance available in this section can only be high-level, providing only a broad overview. Groups exploring this option will need to experiment with different approaches to collaboration, decision-making and management structures to find what works best for their particular context.

There are two main routes that could be explored to create a larger organisation for collaboration between tenements. One option is to merge existing owners' associations, bringing together owners from one tenement with those from one or more neighbouring tenements under a single governance structure. This would create one larger owners' association. The Scottish Law Commission advises that the most suitable model should be tailored specifically for owners' associations and highlights the DMS as a bespoke framework already available in Scotland [10]. Setting up a DMS to govern multiple tenements in theory would involve a similar process to establishing a DMS in a tenement where currently there is none: collaboration between all co-owners and hiring solicitors to change property titles.

Another option, following the example of some countries in continental Europe, is to form an 'association of owners' associations' (AoOAs). In Scotland, no examples of such arrangements are currently known. In Spain and France AoOAs are common. Legislation in both countries explicitly permits AoOAs and they are mandatory where there are mutual responsibilities shared by a number of owners' associations, e.g. where there are assets shared by several owners' associations, such as common pools or grounds, [86], [87]. The share of votes and how costs are shared out between individual OAs are set out in the constitution of AoOAs and may be based on flat size, value, use of shared facilities, etc. AoOAs have proven effective in managing large-scale shared projects and assets, such as district heating systems [88].

While tenement law in Scotland does not consider AoOAs, there are several existing legal structures that could serve a similar purpose. Exploring the various legal structures that might be appropriate specifically for district heating projects, research by the law firm Burness Paull shows that cooperative structures, such as a cooperative society, can work well for managing larger scale interventions (see summary of the strengths and weaknesses of different organisational legal structures in Table 12).

Note - setting up and running such a society is a significant undertaking. For example, it requires submitting registration documents to the Financial Conduct Authority using a co-operative rulebook and demonstrating compliance with co-operative principles. Additionally, an annual return and financial statements must be filed.

To provide a practical example of how an AoOA modelled on the Spanish system might function in the Scottish context, consider a consortium cooperative. This would be established as a collective of the participating owners' associations, with roles and responsibilities of member associations set out in the cooperative's constitution.

Under this model, each owners' association would become a member of the cooperative. In the cooperative each owners' association could hold one vote or a vote weighted according to the number of flats in the building or another agreed metric. To participate in decision-making, an association could appoint its chair to represent its members. Costs would be shared equally among associations or according to a formula based on the number of flats within each owners' association.

Typical shared services could include:

- **Pooled procurement:** Insurance, maintenance, utilities, and green upgrades.
- **Shared estates management:** Management of pathways, backcourts or grounds spanning one or multiple blocks; bulk contracts; budgeting and reserve planning.
- **Back-office support:** Bookkeeping, accounts, and administration for service charges (if contracted by members); dispute resolution support.
- **Fundraising:** Coordinated efforts to access grants or other funding sources.
- **Asset ownership:** Such as communal heating systems (**NOTE:** The legal status of these systems, particularly whether the cooperative would be considered a supplier is complex and evolving, so specialist legal advice would be required [83]).

Crucially, for this model to be effective, the roles and responsibilities of the cooperative would need to be reflected in the titles of each flatted property involved; the expense and logistics of amending the titles which would present a significant barrier to implementation.

- To consider merging existing owners' associations or creating an association of owners' associations, it is crucial to seek professional legal advice.

²⁰ Where larger developments are organised under a single structure under the Development Management Scheme it appears that these are all set up by the developer before individual unit owners take on ownership.

5.4 Examples of using reasoning skills to address a lack of knowledge about appropriate larger-scale organisational types

This table is designed to give a high level overview of the key features of the different legal structures which are suitable for groups engaging with community heating.

Unlikely to be an appropriate legal structure

[illegible]

Challenge Quote	“If no one’s done this before, how do we even start?”
Details	Owners have no Scottish precedent for organising multiple tenements, so they don’t know what practical steps to take.
Suggestion	Use problem solving to break the challenge into steps: research models (DMS, co-ops, AoOAs abroad), identify legal hurdles and test pilots before scaling.
Response Quote	“Since we don’t have a ready-made model, let’s explore what’s worked abroad and get legal advice about what is possible in Scotland.”

Challenge Quote	“I can’t see how one building’s vote would count compared to another’s.”
Details	Owners struggle to compare how voting, representation and costs would work in different models.
Suggestion	Use logical thinking to outline clear governance structures, e.g., one-vote-per-association vs weighted voting by flat numbers.
Response Quote	“In the cooperative model, each association could have one vote or votes could be weighted. Let’s map out both structures logically and consider which is best in our case.”

²¹ Reproduced from Burness Paull [81])

5.5.1.1 Difficulty conveying collective purpose of a novel organisational form

Challenge Quote	"I'm not really sure what you're trying to do with all of this."
Details	Without clear messaging, prospective member groups don't understand why the association exists.
Suggestion	Use clear verbal and written communication to create consistent, accessible messaging about purpose, values, and benefits.
Response Quote	"Our goal is to have a larger pool of owners to draw from, so we all have less work to do and give all of us a stronger voice when speaking to contractors"

5.5.1.2 Struggling to facilitate fair dialogue between different groups

Challenge Quote	"It felt like that the meeting was just people from the same tenement talking the whole time."
Details	Some groups dominate meetings while others feel marginalised or intimidated.
Suggestion	Use facilitation tools (rotating speakers, round-robin formats) to create active listening to support balanced dialogue.
Response Quote	"Let's go around and hear from someone from each tenement before we circle back to the main proposals."

5.6 Examples of using interpersonal skills to address a lack of knowledge about appropriate larger scale organisational types**5.6.1.1 Building solidarity across diverse owner groups**

Challenge Quote	"Their building's totally different from ours. We don't have the same issues, so I don't see the point in working together."
Details	When trying to organise a broader association of owners' associations, differences in priorities, styles of communication, or neighbourhood tensions can create emotional distance or distrust.
Suggestion	Use empathy and cooperation to validate those differences while focusing on shared experiences and common goals (e.g. lobbying for funding, improving guidance).
Response Quote	"You're right that every building's unique, but we're all facing things like roof repairs, absentee landlords, and uncertainty about new regulations. If we act together, we've got more weight."

5.6.1.2 Navigating leadership tensions between associations

Challenge Quote	"We've already put a lot of work into our group. I'm not comfortable with someone else telling us what to do."
Details	When multiple associations come together, each may have established leaders who feel protective of their group's autonomy and voice.
Suggestion	Use self-awareness and respect for others to acknowledge leadership pride while promoting shared leadership models that don't diminish any group's role.
Response Quote	"You've built something strong and that experience is exactly what makes this work better. We're not replacing anything. Just connecting our voices."

6 Guide for improving overall democratic skills

In this section, we provide an overview and practical resources to support the overall development of democratic skills. The aim is to help relevant individuals become confident and well-practiced in using these skills so that they can draw on them easily and effectively in the management of tenement buildings.

While Sections 3 to 5 focus on examples of how these skills are applied in practice, this section explains how they can be developed and strengthened more generally. It is therefore intended to be particularly useful for those who may take on a facilitation role in owners' associations, including owners who wish to take a leadership role, as well as professionals who may act as facilitators in their professional capacity, such as property factors and certain local council officers.

We begin by exploring knowledge skills (Section 6.1), followed by reasoning (Section 6.2), communication (6.3), and interpersonal skills (6.4).

6.1 Knowledge skills

Table 2, in Section 2, indicates that knowledge-based skills relate to four key areas of tenement governance: (1) having sufficient knowledge to contribute meaningfully to decision-making, (2) understanding the processes involved in decision-making (3) knowing how to learn effectively and (4) knowing how to find reliable information.

Points 1 and 2 are discussed in sections 3–5, where key knowledge of tenement upkeep and decision-making is provided. In this section, however, the focus is on the third and fourth elements: learning strategies and evaluating information.

6.1.1 Learning: reflection

Reflection on one's own learning is crucial because it enables individuals to recognise what strategies work best for them, identify gaps in their understanding, and adjust approaches accordingly [89]. The key is to take deliberate steps to think clearly and articulate what you have learned, feeding this learning back into new actions. This usually involves several stages:

- **Concrete experience:** Reflect on something you have done.
- **Reflective Observation:** Consider why you approached it the way you did, including the assumptions you held and how the experience may have challenged them.
- **Identifying learning:** After the event, identify what you now know or believe and how your knowledge or perspective has changed as a result.
- **Application:** Decide what you will do differently in the future based on what you have learned from the experience.

More detail is provided below in Figure 2.

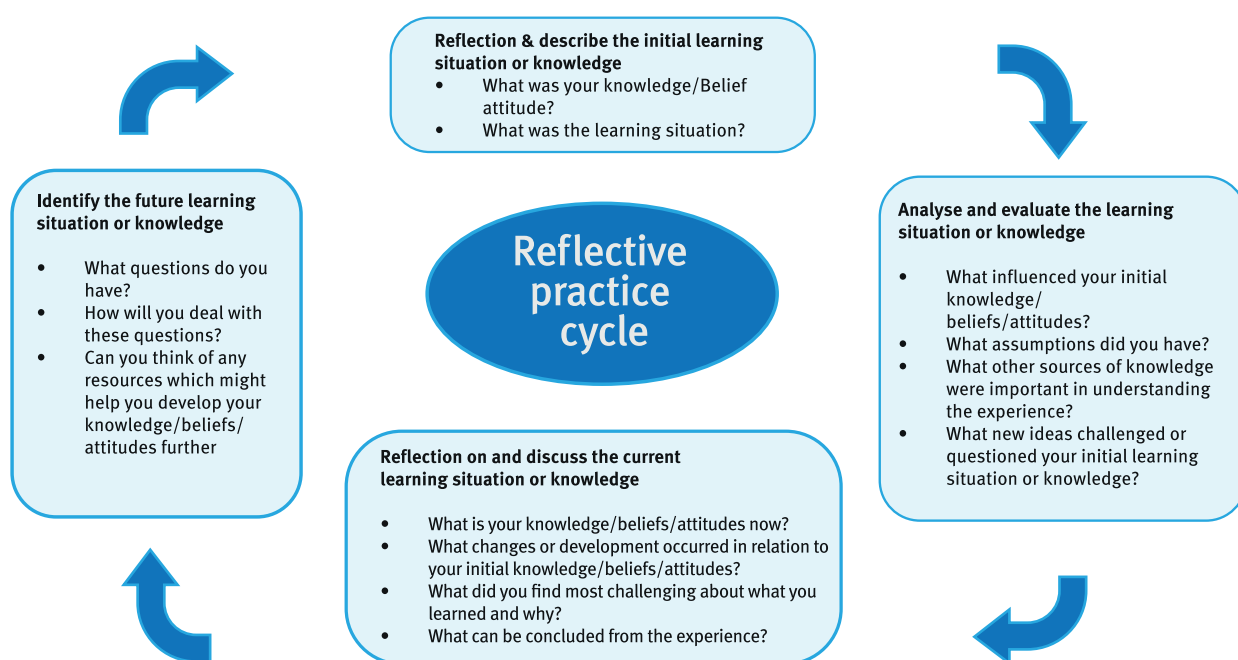


Figure 2 - Basic reflective cycle²²

²² Reproduced from [125].

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By undertaking a reflective process as set out in the diagram above (either individually as a co-owner or collectively as a group) participants are encouraged to reflect critically on their assumptions and experiences. This process helps them make more informed, balanced, and collaborative decisions about the management of their building. Table 13, below, provides a practical example of how the reflective practice cycle can be used in the tenement context.

Table 13 - Illustration of use of reflection for learning in tenement governance

Stage of Reflection	Key Points and Insights
1. Reflect on & describe the initial learning situation or knowledge	Initial situation: Attended a co-owners' meeting to decide whether to raise money for roof repairs. My knowledge / beliefs / attitude: Initially believed the repairs were too costly and suspected the factor was exaggerating the urgency.
2. Analyse & evaluate the learning situation or knowledge	What influenced my beliefs / attitude? Heard from another co-owner that factors sometimes recommend or overstate repairs beyond what is actually necessary. What assumptions did I have? That the issue wasn't urgent and delaying repairs wouldn't have major consequences. Other sources of knowledge: The surveyor's report highlighted significant water damage and safety risks if repairs were postponed. New ideas / challenges: Realised that preventative repairs could save money long-term, challenging my initial belief that the cost was unnecessary.
3. Reflect on & discuss the current learning situation or knowledge	My knowledge / beliefs / attitude now: I now value balancing short-term financial pressures with long-term property maintenance. Changes / development: Developed a more pragmatic understanding that protecting the building's value benefits all owners. Most challenging part: Accepting higher monthly payments even while recognising long-term benefits. Conclusion from the experience: Collective decision-making requires compromise and evidence-based reasoning, not personal assumptions.
4. Identify the future learning situation or knowledge	Questions I now have: How can co-owners ensure transparency in cost estimates for factors recommendations? Is the factor fully following the Property Factors (Scotland) Act 2011 Code of Conduct regarding transparency and procurement? How I will deal with these questions: Ensure the factor or a surveyor prepare detailed specification for works. Compare the actions of the factor with the minimum standards laid out in the Property Factors Code of Conduct? Resources to develop further: Guidance on ownership governance and training on interpreting building condition reports and the Property Factors Code of Conduct.

There are numerous models that exist to support reflective learning. An excellent guide to these models is provided in the University of Edinburgh's Reflection Toolkit [90].

➤ Explore the Reflection Toolkit [here](#) [90].

6.1.2 Identifying reliable information: the CRAAP Test

A well-established tool for evaluating information is the CRAAP Test, developed in 2004 by Sarah Blakeslee and colleagues at the Meriam Library, California State University [91]. CRAAP stands for Currency, Relevance, Authority, Accuracy and Purpose [92]. The framework was designed as a practical and memorable way to help people assess whether sources (especially online ones) are trustworthy and suitable for their needs. Since its development, the CRAAP Test has become widely used in information literacy teaching because of its simplicity and adaptability across different contexts.

The five elements of the CRAAP Test, how they can be deployed, and examples of why this is relevant in tenement governance is presented in Table 14.

Table 14 - The CRAAP Test and Its application in tenement governance

Criterion	What It Means	Key Questions to Ask	Application to Tenement Governance (Scotland)
Currency	How timely the information is.	When was it published or updated? Is it recent enough for your topic?	Are we using the most up-to-date guidance on building safety, fire regulations, or energy efficiency (e.g., Scottish Government housing rules)?
Relevance	How well the information fits your needs.	Does it relate directly to your question? Is it at the right level (not too simple/advanced)?	Does this information help us address issues specific to our tenement, such as roof repairs, common stair cleaning, or how to solve any disputes between neighbours?
Authority	Who created the information.	Who is the author or publisher? Are they qualified or credible in the subject area?	Is the information coming from a reliable source, such as Under One Roof, a reputable building surveyor, or architect?
Accuracy	How reliable, truthful, and correct the content is.	Is the information supported by evidence? Has it been reviewed or fact-checked? Can you verify it elsewhere?	Are the repair estimates, maintenance guidance, or legal interpretations we rely on supported by multiple trustworthy sources?
Purpose	Why the information exists.	Is it to inform, teach, sell, entertain, or persuade? Is there bias or hidden agenda?	Is the information we are using genuinely provided to inform owners about responsibilities, or is it shaped by those with other interests?

6.2 Reasoning skills

Reasoning skills are critical for tenement governance because they enable residents to make fair, informed, and effective decisions about shared property and communal responsibilities. Skills such as problem-solving and prioritisation help address maintenance issues efficiently, while critical and logical thinking ensure that decisions are evidence-based and equitable.

Evaluating consequences and identifying assumptions prevent unintended negative outcomes and making comparisons supports choosing the most effective solutions or policies. Developing these reasoning skills fosters a collaborative, transparent, and proactive approach to managing tenement-living environments, enhancing governance, and improving resident satisfaction.

As with knowledge skills, reflection is important to improving one's reasoning skills. Reflective practices, such as asking oneself "What assumptions am I making?" or "What evidence supports this claim?", can strengthen critical and logical thinking by making reasoning processes explicit [93], [94].

Structured questioning strategies encourage learners to evaluate arguments systematically, consider counterexamples, and recognise bias, thereby cultivating stronger evaluative reasoning [95]. Some examples of structured questions are provided in Table 15 together with a note on how this might be helpful in decision-making in tenements.

Table 15 - Structured questioning examples

Strategy	Generic Example Questions	Example Questions in Tenement Context
Clarification questions	What do you mean by that? / Can you give me an example?	When you say "the factor will manage this repair," what exactly does that mean? / Can you give examples of what work is covered by ongoing maintenance contracts and what is not?
Assumption probing	What are you assuming here? / How would this argument change if the assumption were false?	Are we assuming every owner can afford this upgrade? / What if one owner refuses to contribute?

Strategy	Generic Example Questions	Example Questions in Tenement Context
Evidence and reasoning	What evidence supports this claim? / Is the source of this evidence reliable?	What does the surveyor's report actually say about the roof? / Have we checked the qualifications and reputation of the contractor who supplied the repair quote?
Alternative viewpoints	What would someone with an opposing view say? / Have we considered other explanations?	Let's hear from Mike on the ground floor since the works will primarily affect his flat? / Are there other repair options we haven't considered?
Implications and consequences	If we take this action, what might happen next? / What are the possible unintended consequences?	If we delay the gutter repair, what damage could it cause? / What will be the running costs if we install this new heating system?
Comparative reasoning	How does this situation compare to others we've dealt with? / Is this solution better than the alternatives and why?	How did other tenements in our area handle similar roof problems? / Is this contractor better value than the one we used last time?

These types of questions are effective because they make reasoning visible and force individuals to examine their thought processes critically rather than defaulting to intuition or habit.

6.2.1 Some helpful resources

There are numerous tools and frameworks that are useful for improving reasoning skills. Here a few potentially helpful ones but we do not claim the list is exhaustive.

- **Harvard Project Zero's Thinking Routines Toolbox**

A suite of structured "thinking routines" designed to make thinking visible, support careful reasoning, and promote reflection.

<https://pz.harvard.edu/thinking-routines>

- **Mercer County Community College Critical Thinking Basics Resource**

Covers in brief different types of logical fallacies, habits that strengthen critical thinking and methods for evaluating critical thinking skills.

<https://www.mccc.edu/~howarthk/documents/MCCCCTBasicsSP14-6.pdf>

- **Catapult Assumption Mapping**

A project-based tool, the assumption map will help you to figure out which of your assumptions are the riskiest. Then you can prioritise testing them to see if they are true.

<https://cp.catapult.org.uk/playbook-tool/assumption-mapping/>

6.3 Communication skills

In the context of tenement governance in Scotland, effective communication is essential for fostering a collaborative and informed community.

Written communication ensures that all residents receive consistent and clear information about meetings, decisions, and responsibilities. Verbal communication facilitates real-time discussions, allowing for immediate feedback and resolution of issues. Together, these forms of communication enable residents to engage actively in governance processes, address concerns promptly and make informed decisions that affect their shared living environment.

Some tips to improve communication skills include:

- **Reflective practice:** individuals critically evaluate their own communication to identify strengths and weaknesses.
- **Keeping a communication journal:** recording and reviewing conversations can foster self-awareness and highlight patterns of miscommunication [96]
- **Practice active listening:** paying attention to both verbal content and nonverbal cues, while providing feedback. For example, paraphrasing another person's statement before responding or maintaining eye contact can strengthen this skill. Active listening improves understanding and reduces conflict [97].

- **Practicing concise writing:** for example, summarising an article in three sentences encourages clarity and precision [98].
- **Practice verbal summarisation:** improves the ability to communicate complex ideas effectively [98].
- **Peer evaluation:** accelerates communication skill development by making communicators more aware of the gap between intention (what they want to say) and perception (how others understand what they are saying) [99].

6.3.1 Some helpful resources

A substantial body of resources exists on improving communication skills. Some helpful free resources include:

University of Oxford Communication Skills Guide – Mainly for an academic context, it provides some helpful general resources on presentation techniques and active listening strategies.

<https://www.mpls.ox.ac.uk/training/resources-for-researcher-and-career-development/communication-skills>

Ohio Society of Certified Public Accountants Communication Toolkit – Provides practical guidelines for enhancing communication as both sender and receiver to achieve desired outcomes.

<https://ohiocpa.com/docs/default-source/cpe/communications-toolkit.pdf>

Oxford Guide to Effective Writing and Speaking – A comprehensive book offering strategies for clear and persuasive communication.

<https://global.oup.com/academic/product/oxford-guide-to-effective-writing-and-speaking-9780199652709?cc=gb&lang=en&>

Open University Free Course: Effective Communication in the Workplace – Online course teaching practical communication skills for professional contexts.

<https://www.open.edu/openlearn/money-business/effective-communication-the-workplace>

6.4 Interpersonal skills

Interpersonal skills are essential in tenement governance because residents must collaborate on shared decisions, manage conflicts over maintenance or communal rules, and maintain positive social relationships within the building. Empathy and social awareness help ensure all residents' voices are heard and considered, while emotional regulation and conflict resolution prevent disputes from escalating. Strong communication and relationship management support effective meetings, collective decision-making, and community cohesion, ultimately fostering fair and cooperative governance.

Some strategies to improve interpersonal skills include:

- **Mindfulness and self-reflection**

Practices like meditation or reflective journaling help strengthen emotional regulation and empathy by increasing awareness of one's own and others' feelings [100], [101], [102].

- **Role-play and perspective-taking**

Simulated activities allow practice of empathy, negotiation, and conflict resolution in low-stakes settings, improving cooperation and understanding [103].

- **Collaboration exercises**

Structured group tasks that require joint problem-solving while managing differing opinions build empathy and teamwork [103].

- **Feedback and coaching**

Constructive input from peers or mentors helps identify blind spots and improve interpersonal style [104].

- **Group reflection sessions**

Collective reflection on interactions enhances trust, collaboration, and social cohesion [105].

6.4.1 Some helpful resources

Helpguide.org guide to Effective Communication

A useful guide which combines communication and interpersonal skills:

<https://www.helpguide.org/relationships/communication/effective-communication>

Ohio Society of Certified Public Accountants Communication Toolkit

Provides practical guidelines for enhancing communication as both sender and receiver to achieve desired outcomes.

<https://ohiocpa.com/docs/default-source/cpe/communications-toolkit.pdf>

The Dialectical Behavior Therapy website

Provides some excellent tools on emotional regulation and personal effectiveness:

Emotional regulation:

https://dbt.tools/emotional_regulation/index.php

Interpersonal effectiveness:

https://dbt.tools/interpersonal_effectiveness/index.php

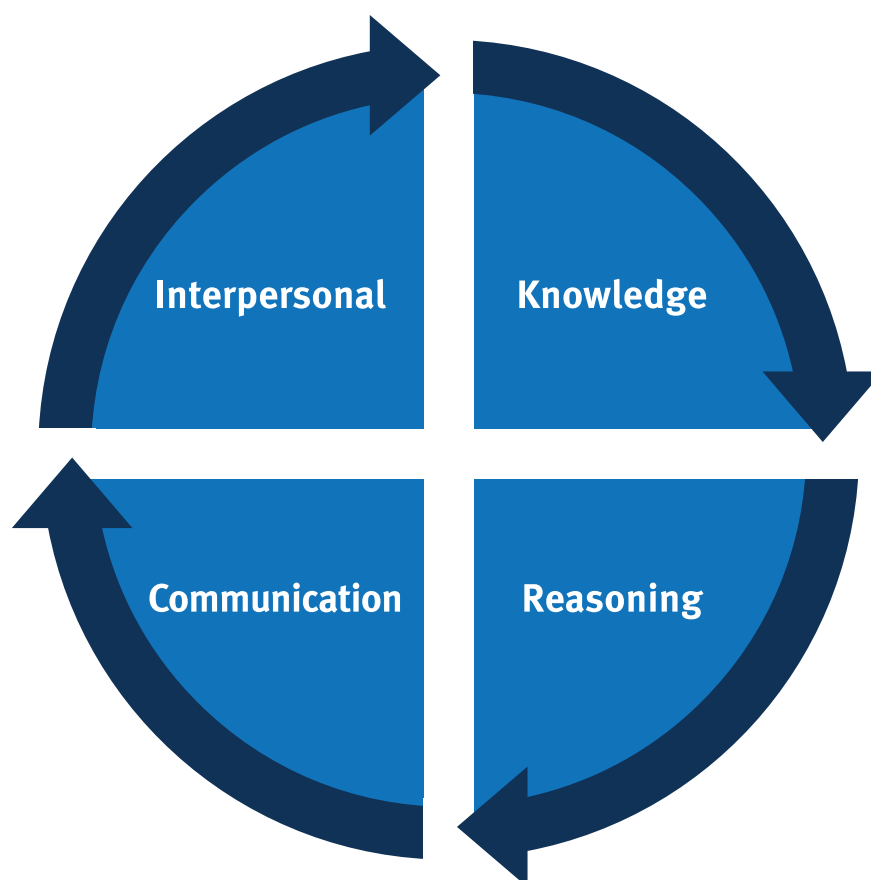


Figure 3 - Virtuous circle of democratic skills

6.5 Self-reinforcing skills

Although the skills in this section (and throughout this toolkit) are presented separately for clarity, readers will notice significant overlap between them throughout this toolkit. The perspective taken in this toolkit is that these skills are interconnected and mutually reinforcing, rather than distinct (see Figure 3). Practicing one or more of the skills can help support the development of others.

7 Conclusions and next steps

Effective tenement governance in Scotland depends on owners developing strong democratic skills, a clear understanding of their legal responsibilities, and the ability to work collaboratively to manage shared property. This toolkit has outlined the knowledge, reasoning, communication, and interpersonal abilities required to address common challenges in forming, running, and maintaining owners' associations. It has also highlighted the importance of proactive maintenance, transparent decision-making, and constructive approaches to resolving disputes, particularly in buildings where engagement or cooperation may be limited. As Scotland moves toward compulsory owners' associations and more robust governance frameworks, owners who build these skills now will be better prepared to navigate forthcoming reforms, strengthen their buildings, and safeguard the long-term value, safety, and sustainability of their homes.

The authors of this toolkit recognise that there are many challenges associated with maintaining Scottish tenements. Hence, the authors have produced or are in the process of developing several complementary resources, which can be found on the Under One Roof [website](#):

Tenement Retrofit: A Toolkit for Flat Owners: providing resources and guidance for flat owners to drive energy-efficiency upgrades in their building.

Factoring in Tenement Retrofit: A Toolkit: A dedicated toolkit for property factors to support their role in retrofit initiatives.

Guidance for Flat Owners: Content on the Under One Roof website to help flat owners engage effectively with property factors and drive retrofitting efforts in their buildings (link [here](#) [106]).

Policy Briefing: A briefing designed to inform ongoing debates around compulsory owners' associations, ensuring any new policies that emerge are structured to effectively support tenement retrofitting.

REFERENCES

- [1] I. Cairns et al., "Under one roof: The social relations and relational work of energy retrofit for the occupants of multi-owned properties," *Energy Policy*, vol. 190, p. 114166, 2024, doi: 10.1016/j.enpol.2024.114166.
- [2] Scotland's Census, "Scotland's Census," 2011, Scottish Government, Edinburgh. Accessed: Nov. 23, 2022. [Online]. Available: <https://www.scotlandscensus.gov.uk/search-the-census#/>
- [3] Scottish Government, "Tenements Short Life Working Group – energy efficiency and zero emissions heating: final report," 2023, Accessed: Nov. 28, 2024. [Online]. Available: <https://www.gov.scot/publications/tenements-short-life-working-group-energy-efficiency-zero-emissions-heating-final-report/>
- [4] Scottish Government, "Scottish House Condition Survey: 2019 Key Findings," 2020. [Online]. Available: nationalarchives.gov.uk/doc/open-government-licence/version/3
- [5] Citizens Advice, "Damp, cold and full of mould." Accessed: Feb. 19, 2025. [Online]. Available: <https://www.citizensadvice.org.uk/policy/publications/damp-cold-and-full-of-mould1/>
- [6] BBC News, "'Very little' done since Edinburgh falling masonry death." Accessed: Aug. 20, 2025. [Online]. Available: <https://www.bbc.co.uk/news/uk-scotland-edinburgh-east-fife-48526542>
- [7] BBC News, "Homes evacuated after Glasgow tenement collapse." Accessed: Aug. 20, 2025. [Online]. Available: <https://www.bbc.co.uk/news/articles/c15wd332gl70>
- [8] ACE, "Boosting energy retrofits in condominiums," 2019, Accessed: Feb. 11, 2025. [Online]. Available: www.nweurope.eu/ace-retrofitting
- [9] BEFS, "Scottish Parliamentary Working Group on Tenement Maintenance." Accessed: Nov. 28, 2024. [Online]. Available: <https://www.befs.org.uk/policy-topics/buildings-maintenance-2/>
- [10] Scottish Law Commission, "Discussion Paper on Tenement law: compulsory owners' associations," 2024.
- [11] Scottish Law Commission, "Tenement law: compulsory owners' associations." Accessed: Jan. 22, 2026. [Online]. Available: <https://www.scotlawcom.gov.uk/law-reform/law-reform-projects/tenement-law-compulsory-owners-associations/>
- [12] S. Low, G. T. Donovan, and J. Gieseeking, "Shoestring Democracy: Gated Condominiums and Market-Rate Cooperatives in New York," *J. Urban Aff.*, vol. 34, no. 3, pp. 279–296, Aug. 2012, doi: 10.1111/j.1467-9906.2011.00576.X.

- [13] L. Zhou, F. Ouyang, and J. Chen, “Democracy and Autonomy in Neighbourhoods: Implications from the Election of a New Owners’ Committee in Urban China,” *Lex Localis*, vol. 22, no. 4, pp. 76–103, Nov. 2024, doi: 10.52152/22.4.76-103(2024).
- [14] Consumer Focus Scotland, “Common Repair, Common Sense: a short guide to the management of tenements in Scotland,” 2009, Glasgow. Accessed: Aug. 07, 2025. [Online]. Available: www.consumerfocus-scotland.org.uk
- [15] Scottish Government, “Help with title deeds,” *mygov.scot*. Accessed: Mar. 16, 2026. [Online]. Available: <https://www.mygov.scot/title-deeds>
- [16] Registers of Scotland, “Title documents,” ROS website. Accessed: Mar. 16, 2026. [Online]. Available: <https://www.ros.gov.uk/services/order-deeds/what-title-documents-can-tell-you>
- [17] Under One Roof, “What are titles.” Accessed: Mar. 16, 2026. [Online]. Available: <https://underoneroof.scot/what-are-title-deeds/>
- [18] UK Government, Tenements (Scotland) Act 2004 - Schedule 1: Tenement Management Scheme. 2004. Accessed: Dec. 02, 2024. [Online]. Available: <https://www.legislation.gov.uk/asp/2004/11/schedule/1/enacted>
- [19] Scottish Government, “Tenement repairs and common area maintenance.” Accessed: Oct. 06, 2025. [Online]. Available: <https://www.mygov.scot/tenement-repairs-common-areas>
- [20] Under One Roof, “Sharing costs according to the Tenements Act.” Accessed: Mar. 16, 2026. [Online]. Available: <https://underoneroof.scot/management/repairs-hub/sharing-repair-costs/sharing-costs-according-to-the-tenements-act/>
- [21] Shelter Scotland, “Using the tenement management scheme.” Accessed: Mar. 16, 2026. [Online]. Available: https://scotland.shelter.org.uk/housing_advice/repairs/tenement_management_scheme
- [22] Under One Roof, “Duty to Maintain: support and shelter,” Under One Roof. Accessed: Aug. 07, 2025. [Online]. Available: <https://underoneroof.scot/duty-to-maintain/>
- [23] Scottish Executive, “Explanatory Notes to Tenements (Scotland) Act 2004 asp 11,” 2004, King’s Printer for Scotland.
- [24] Under One Roof, “Mutual repairs.” Accessed: Sep. 24, 2025. [Online]. Available: <https://underoneroof.scot/mutual-repairs/>
- [25] “ScotLIS - Scotland’s Land Information Service,” Registers of Scotland. Accessed: Feb. 17, 2026. [Online]. Available: <https://scotlis.ros.gov.uk/>
- [26] Under One Roof, “How to find your title deeds.” Accessed: Feb. 20, 2026. [Online]. Available: <https://underoneroof.scot/how-to-find-your-title-deeds/>
- [27] UK Government, Tenements (Scotland) Act 2004. Statute Law Database, 2004. Accessed: Aug. 24, 2022. [Online]. Available: <https://www.legislation.gov.uk/asp/2004/11/section/26>
- [28] “Landlord register home - Scottish Landlord Register,” Scottish Government. Accessed: Oct. 15, 2025. [Online]. Available: <https://landlordregistrationscotland.gov.uk/>
- [29] Scottish Empty Homes Partnership, “Find Your Local Empty Homes Officer.” Accessed: Feb. 20, 2026. [Online]. Available: <https://emptyhomespartnership.scot/empty-homes-officers/>
- [30] ROS, “Registers of Scotland - Scotland’s land and property registers.” Accessed: Oct. 15, 2025. [Online]. Available: <https://www.ros.gov.uk/>
- [31] Scottish Assessors Association website, “Scottish Assessors,” 2026. Accessed: Feb. 20, 2026. [Online]. Available: <https://www.saa.gov.uk/>
- [32] Argyll & Bute Council, “Guide to Setting Up and Running an Owners Association.”
- [33] Novoville, “Shared Repairs,” Novoville. Accessed: Nov. 28, 2024. [Online]. Available: <https://sharedrepairs.novoville.com/pages/post?id=15>
- [34] Scottish Landlord Register, “About,” Landlord Registration Scotland. Accessed: Aug. 06, 2025. [Online]. Available: <https://landlordregistrationscotland.gov.uk/about>
- [35] The Scottish Association of Investigators, “The Scottish Association of Investigators Homepage.”
- [36] ABI, “Association of British Investigators Homepage,” <https://www.theabi.org.uk/>
- [37] Under One Roof, “Owners’ associations.” Accessed: Mar. 16, 2026. [Online]. Available: <https://underoneroof.scot/owners-associations/>
- [38] Under One Roof, “A guide to setting up an owners’ association.” Accessed: Mar. 16, 2026. [Online]. Available: <https://underoneroof.scot/a-guide-to-setting-up-an-owners-association/>

- [39] C. Miller, “How Owners’ Associations Benefit Shared Tenement Buildings,” Redpath Bruce. Accessed: Mar. 16, 2026. [Online]. Available: <https://www.redpathbruce.co.uk/owners-associations/>
- [40] Under One Roof, “Owners Associations,” Under One Roof [website]. Accessed: Aug. 24, 2022. [Online]. Available: https://underoneroof.scot/articles/1105/Architects/Owners_Associations
- [41] Consumer Focus Scotland, “Common Repair, Common Sense.” Accessed: Nov. 28, 2024. [Online]. Available: <https://www.gov.scot/publications/common-repair-common-sense-guide-to-managing-tenements/>
- [42] Under One Roof, “Changing your titles.” Accessed: Nov. 05, 2025. [Online]. Available: <https://underoneroof.scot/changing-your-title-deeds/>
- [43] Scottish Executive, “Management and Maintenance of Common Property: Guidance on the Tenements (Scotland) Act 2004 and the Title Conditions (Scotland) Act 2003 for Housing Professionals,” 2005, Edinburgh.
- [44] SFHA, “SFHA submits response to Scottish Law Commission’s Compulsory Tenement Owners’ Associations Proposal.” Accessed: Nov. 07, 2025. [Online]. Available: <https://www.sfha.co.uk/our-work/sfha-submits-response-scottish-law-commissions-compulsory-tenement-owners-associations>
- [45] Law Society of Scotland, “Developers’ casting vote as good as gold,” lawscot. Accessed: Nov. 06, 2025. [Online]. Available: <https://www.lawscot.org.uk/members/journal/issues/vol-68-issue-11/developers-casting-vote-as-good-as-gold/>
- [46] UK Government, “The Title Conditions (Scotland) Act 2003 (Development Management Scheme) Order 2009.” Accessed: Mar. 09, 2026. [Online]. Available: <https://www.legislation.gov.uk/ukxi/2009/729/schedule/1/made>
- [47] Under One Roof, “A short guide to title deeds.” Accessed: Mar. 16, 2026. [Online]. Available: <https://underoneroof.scot/a-short-guide-to-title-deeds/>
- [48] Under One Roof, “Sharing repair costs.” Accessed: Mar. 16, 2026. [Online]. Available: <https://underoneroof.scot/management/repairs-hub/sharing-repair-costs/>
- [49] Scottish Government, “Tenement Management Scheme and repairs.” Accessed: Feb. 23, 2026. [Online]. Available: <https://www.mygov.scot/tenement-repairs-common-areas/tenement-management-scheme>
- [50] Under One Roof, “Maintenance or improvement.” Accessed: Jan. 14, 2025. [Online]. Available: <https://underoneroof.scot/maintenance-or-improvement/>
- [51] UK Government, Climate Change (Scotland) Act 2009 - Section 69 of the Climate Change (Scotland) Act 2009 altered the Tenement Management: Section 69. 2009. Accessed: Dec. 02, 2024. [Online]. Available: <https://www.legislation.gov.uk/asp/2009/12/section/69>
- [52] Under One Roof, “Owners’ association sample constitution.” Accessed: Aug. 07, 2025. [Online]. Available: <https://underoneroof.scot/owners-association-sample-constitution/>
- [53] Condominium Authority of Ontario, “CAO Guide on Governing Condos.” Accessed: Mar. 16, 2026. [Online]. Available: <https://www.condoauthorityontario.ca/resource/best-practice-governance/>
- [54] D. Czischke, “Collaborative housing and housing providers: towards an analytical framework of multi-stakeholder collaboration in housing co-production,” *International Journal of Housing Policy*, vol. 18, no. 1, pp. 55–81, Jan. 2018, doi: 10.1080/19491247.2017.1331593.
- [55] T. Manzi, I. Simpson, N. Bailey, and C. Glover-Short, “Success, Satisfaction and Scrutiny: The Business Benefits of Involving Residents.”
- [56] B. Mcewan, “Tenant participation: an evidence review,” Cardiff: Welsh Government, GSR. Accessed: Oct. 09, 2025. [Online]. Available: <https://www.gov.wales/tenant-participation-evidence-review>
- [57] T. Lambourne and S. Jenkins, “Enhancing social values, identity and wellbeing: the impact of participatory working with housing association tenants,” *Community Dev. J.*, vol. 55, no. 2, pp. 331–348, Apr. 2020, doi: 10.1093/CDJ/BSY043.
- [58] Under One Roof, “Property Factors (Managers),” Under One Roof [website]. Accessed: Aug. 24, 2022. [Online]. Available: https://underoneroof.scot/articles/1108/Owners_Associations/Property_Factors_Managers
- [59] The Scottish Government, “Property Factors (Scotland) Act 2011: Code of Conduct for Property Factors,” Scottish Government [website]. Accessed: Aug. 26, 2022. [Online]. Available: <https://www.gov.scot/publications/property-factors-scotland-act-2011-code-conduct-property-factors-2/>
- [60] Jean Charsley, “Final Report of The Glasgow Factoring Commission,” 2014. Accessed: Aug. 11, 2025. [Online]. Available: <http://www.glasgow.gov.uk/index.aspx?articleid=10524>
- [61] Scottish Government, “Appointing or dismissing a property factor.” Accessed: Nov. 06, 2025. [Online]. Available: <https://www.mygov.scot/change-property-factor>

- [62] Under One Roof, “Keeping accounts.” Accessed: Nov. 28, 2024. [Online]. Available: <https://underoneroof.scot/keeping-accounts/>
- [63] SCVO, “Bank accounts,” SCVO website. Accessed: Aug. 11, 2025. [Online]. Available: <https://scvo.scot/support/running-your-organisation/finance-business-management/bank-accounts>
- [64] Under One Roof, “Building insurance.” Accessed: Nov. 06, 2025. [Online]. Available: <https://underoneroof.scot/common-building-insurance/>
- [65] Under One Roof, “New downloadable guide to the repairs process.” Accessed: Sep. 30, 2025. [Online]. Available: <https://underoneroof.scot/new-downloadable-guide-to-the-repairs-process/>
- [66] Under One Roof, “Emergency repairs.” Accessed: Nov. 07, 2025. [Online]. Available: <https://underoneroof.scot/emergency-repairs/>
- [67] Under One Roof, “Missing Shares.” Accessed: Oct. 02, 2025. [Online]. Available: <https://underoneroof.scot/missing-shares/>
- [68] Edinburgh Shared Repairs Service, “Edinburgh Shared Repairs Service Missing Share Service Factsheet,” 2026.
- [69] Dissake, Natalie, “Notices of Potential Liability for Costs: Changes in Discharge Procedures,” Harper Macleod LLP. Accessed: Oct. 02, 2025. [Online]. Available: <https://www.harpermacleod.co.uk/insights/notices-of-potential-liability-for-costs-changes-in-discharge-procedures/>
- [70] Scottish Courts and Tribunals Service, “Simple Procedure.” Accessed: Oct. 02, 2025. [Online]. Available: <https://www.scotcourts.gov.uk/taking-action/simple-procedure/>
- [71] Scottish Courts and Tribunals Service, “Ordinary Cause.” Accessed: Oct. 02, 2025. [Online]. Available: <https://www.scotcourts.gov.uk/taking-action/ordinary-cause/>
- [72] Scottish Mediation, “Find a mediator.” Accessed: Nov. 07, 2025. [Online]. Available: <https://www.scottishmediation.org.uk/find-a-mediator/>
- [73] Wonder Legal, “Letter of Intention to Start Simple Procedure.” Accessed: Nov. 06, 2025. [Online]. Available: <https://www.wonder.legal/uk/modele/letter-intention-start-simple-procedure-scotland>
- [74] Registers of Scotland, “Advance notices - ,” RoS Knowledge Base. Accessed: Oct. 02, 2025. [Online]. Available: <https://kb.ros.gov.uk/land-and-property-registration/pre-registration/advance-notice>
- [75] Citizens Advice, “Step 2: Decide what you’re asking for and what type of court action you’ll take .” Accessed: Oct. 02, 2025. [Online]. Available: <https://www.citizensadvice.org.uk/scotland/housing/housing-discrimination/discrimination-in-housing/taking-action/taking-legal-action-for-housing-discrimination1/step-2-decide-what-type-of-court-action-youll-take/>
- [76] JF Calero, “Neighbors Manage Their Immense Thermal Plant: The Incredible Story of Orcasitas,” YouTube. Accessed: Feb. 18, 2025. [Online]. Available: https://www.youtube.com/watch?v=u_bYwZ4oj-U
- [77] Euroheat & Power, “New study shows district heating 30% more affordable than individual heat pumps.” Accessed: Feb. 25, 2025. [Online]. Available: <https://www.euroheat.org/news/new-study-shows-district-heating-30-more-affordable-than-individual-heat-pumps-1>
- [78] Veolia UK, “Comparing District Heating & Central Heating.” Accessed: Feb. 25, 2025. [Online]. Available: <https://www.veolia.co.uk/comparing-district-heating-central-heating>
- [79] M. Saffari and P. Beagon, “Home energy retrofit: Reviewing its depth, scale of delivery, and sustainability,” *Energy Build.*, vol. 269, p. 112253, Aug. 2022, doi: 10.1016/J.ENBUILD.2022.112253.
- [80] Burness Paull, “Legal Structures and Governance Considerations in Community Heating,” 2024. Accessed: Aug. 12, 2025. [Online]. Available: <moz-extension://619d4c7c-ad5e-4987-928b-058boe5b7195/enhanced-reader.html?openApp&pdf=https%3A%2F%2Flocalenergy.scot%2Fwp-content%2Fuploads%2F2024%2Fo6%2FCommunity-Heating-Paper-BP-13.06.24-5.pdf>
- [81] M. Lujanen, “Legal Challenges in Ensuring Regular Maintenance and Repairs of Owner-Occupied Apartment Blocks,” *International Journal of Law in the Built Environment*, vol. 2, pp. 178–197, 2010, doi: 10.1108/17561451011058807.
- [82] P. Karpestam and P. Palm, “Does size matter? Is there an optimal size for tenant–owner associations?,” *Journal of European Real Estate Research*, vol. 15, no. 3, pp. 405–424, Oct. 2022, doi: 10.1108/JERER-09-2021-0048.
- [83] Harper Macleod LLP, “Guidance for owners on the installation of solar panels, heat pumps or insulation in common parts of tenements in Scotland,” 2025.
- [84] Co-operatives UK, “5.3 Choosing your type of co-op.” Accessed: Mar. 16, 2026. [Online]. Available: <https://www.uk.coop/start-new-co-op/start/choosing-your-type-co-op>

- [85] Co-operatives UK, “Model governing documents.” Accessed: Mar. 16, 2026. [Online]. Available: <https://www.uk.coop/resources/model-governing-documents>
- [86] Légifrance, “Law No. 65-557 of 10 July 1965 fixing the status of the co-ownership of built buildings.” Accessed: Oct. 07, 2025. [Online]. Available: <https://www.legifrance.gouv.fr/loda/id/LEGISCTA000039301984/2025-03-11?utm>
- [87] J. Y. R. C. L. C. Ministerio De La Presidencia, “Propiedad Horizontal - Última modificación: 3 de enero de 2025,” Jan. 03, 2025. Accessed: Feb. 11, 2025. [Online]. Available: www.boe.es
- [88] M. y A. U. Ministerio de Transportes, “ERESEE 2020: E la estrategia a largo plazo para la rehabilitación energética en el sector de la edificación en España.”
- [89] Teaching & Learning Team, “Metacognition.” Accessed: Aug. 21, 2025. [Online]. Available: <moz-extension://619d4c7c-ad5e-4987-928b-058boe5b7195/enhanced-reader.html?openApp&pdf=https%3A%2F%2Fwww.cambridgeinternational.org%2Fimages%2F272307-metacognition.pdf>
- [90] 2024, “Reflection Toolkit,” University of Edinburgh. Accessed: Aug. 21, 2025. [Online]. Available: <https://reflection.ed.ac.uk/>
- [91] S. Blakeslee, “The CRAAP Test,” LOEX Quarterly, Chicago. Accessed: Aug. 21, 2025. [Online]. Available: www.csuchico.edu/lins/handouts/eval_websites.pdf
- [92] Meriam Library, “Evaluating Information-Applying the CRAAP Test,” 2010.
- [93] D. F. Halpern and D. S. Dunn, “Thought and Knowledge: An Introduction to Critical Thinking,” Thought and Knowledge, Oct. 2022, doi: 10.4324/9781003025412.
- [94] D. Kuhn, “A Developmental Model of Critical Thinking,” Source: Educational Researcher, vol. 28, no. 2, pp. 16–25, 1999.
- [95] R. H. Ennis, “The Nature of Critical Thinking: An Outline of Critical Thinking Dispositions and Abilities i,” 2011.
- [96] S. D. Brookfield, “Becoming a Critically Reflective Teacher - - Google Books,” Blackwell. Accessed: Aug. 21, 2025. [Online]. Available: <https://books.google.co.uk/BecomingaCriticallyReflectiveTeacher>
- [97] J. Brownell, Listening: Attitudes, principles, and skills . Routledge., 2015.
- [98] D. O’Hair, H. Rubenstein, and R. Stewart, “A pocket guide to public speaking. ,” 2022.
- [99] L. De Grez, M. Valcke, and I. Roozen, “The impact of goal orientation, self-reflection and personal characteristics on the acquisition of oral presentation skills,” European Journal of Psychology of Education, vol. 24, no. 3, pp. 293–306, Sep. 2009, doi: 10.1007/BF03174762/METRICS.
- [100] P. A. Jennings and M. T. Greenberg, “The prosocial classroom: Teacher social and emotional competence in relation to student and classroom outcomes,” Rev. Educ. Res., vol. 79, no. 1, pp. 491–525, 2009, doi: 10.3102/0034654308325693/ASSET/BA2E9A2A-9CoD-4268-B2FB-98126F2D3D6F/ASSETS/IMAGES/LARGE/10.3102_0034654308325693-FIG1.JPG.
- [101] J. D. Mayer, P. Salovey, and D. R. Caruso, “Emotional intelligence: Theory, findings, and implications,” Psychol. Inq., vol. 15, no. 3, pp. 197–215, 2004, doi: 10.1207/S15327965PLI1503_02.
- [102] D. Goleman, “Emotional Intelligence: Why It Can Matter More Than IQ,” AbeBooks. Accessed: Aug. 21, 2025. [Online]. Available: <https://www.abebooks.co.uk/9780553383713/Emotional-Intelligence-Why-Matter-IQ-055338371X/plp>
- [103] D. W. Johnson and R. T. Johnson, “An educational psychology success story: Social interdependence theory and cooperative learning,” Educational Researcher, vol. 38, no. 5, pp. 365–379, Jun. 2009, doi: 10.3102/0013189X09339057.
- [104] R. Boyatzis and A. McKee, “Resonant Leadership: Renewing Yourself and Connecting with Others Through Mindfulness, Hope, and Compassion,” Harvard Business Publishing Education. Accessed: Aug. 21, 2025. [Online]. Available: <https://hbsp.harvard.edu/product/5631-HBK-ENG>
- [105] V. U. Druskat and S. B. Wolff, “Building the Emotional Intelligence of Groups,” Harvard Business Review. Accessed: Aug. 21, 2025. [Online]. Available: <https://hbr.org/2001/03/building-the-emotional-intelligence-of-groups>
- [106] I. Cairns and E. Miller, “How can a property factor help with energy efficiency in tenements?,” Under One Roof . Accessed: Feb. 28, 2025. [Online]. Available: <https://underoneroof.scot/how-can-a-property-factor-help-with-energy-efficiency-in-tenements/>

- [107] D. Held, *Models of democracy*, 3rd ed. Stanford, CA: Stanford University Press., 2006.
- [108] Council of Europe, “Competences for Democratic Culture: Living together as equals in culturally diverse democratic societies,” 2016. Accessed: Aug. 05, 2025. [Online]. Available: <https://edoc.coe.int/en/human-rights-democratic-citizenship-and-interculturalism/7027-competences-for-democratic-culture-living-together-as-equals-in-culturally-diverse-democratic-societies-executive-summary.html>
- [109] DemSoc, “Competencies.” Accessed: Aug. 05, 2025. [Online]. Available: <https://www.demsoc.org/resources/competencies-for-climate-democracy>
- [110] COSLA & Scottish Government, “Community Choices: Participatory Budgeting in Scotland Framework for the operation of the 1% target for Local Authorities (2021 Update),” 2021. Accessed: Aug. 05, 2025. [Online]. Available: www.pbscotland.scot
- [111] Council of Europe, “How To Organise A Deliberative Process At The Local Level? A guide for local authorities,” 2024, Congress of Local and Regional Authorities.
- [112] T. Murray, L. Stephens, B. P. Woolf, L. Wing, X. Xu, and N. Shrikant, “Supporting Social Deliberative Skills Online: The Effects of Reflective Scaffolding Tools,” *Lecture Notes in Computer Science (including subseries Lecture Notes in Artificial Intelligence and Lecture Notes in Bioinformatics)*, vol. 8029 LNCS, pp. 313–322, 2013, doi: 10.1007/978-3-642-39371-6_36.
- [113] L. Sprain and M. Carcasson, “Carcasson, M. & Sprain, L. (2012). Deliberative democracy and adult civic education. *New Directions in Adult Civic Education*, 135, 15-23.,” *New Directions for Adult and Continuing Education*, vol. 2012, no. 135, pp. 15–23, Sep. 2012, doi: 10.1002/ACE.20022.
- [114] D. Shapovalova, T. Gbemi, and T. Potts, “Tools for Deliberative Democracy: Case studies from the Just Transition Communities project,” May 2025, University of Aberdeen / Just Transition Communities Project / NESCAN Hub.
- [115] J. Summers and S. Chillas, “Working in employee-owned companies: The role of economic democracy skills,” *Economic and Industrial Democracy*, vol. 42, no. 4, pp. 1029–1051, Nov. 2021, doi: 10.1177/0143831X19835319.
- [116] I. Vickers, F. Lyon, and L. Sepulveda, “Collective Capabilities for Organizational Democracy: The Case of Mutual Social Enterprises,” *British Journal of Management*, vol. 36, no. 1, pp. 240–254, Jan. 2025, doi: 10.1111/1467-8551.12840.
- [117] A. Zarif, “What are some skills people need to practice sociocracy?,” *Sociocracy For All*. Accessed: Aug. 05, 2025. [Online]. Available: <https://forums.sociocracyforall.org/t/what-are-some-skills-people-need-to-practice-sociocracy/3720>
- [118] J. Gruidl and R. Hustedde, “Towards a robust democracy: the core competencies critical to community developers,” *Community Development*, vol. 46, no. 3, pp. 279–293, May 2015, doi: 10.1080/15575330.2015.1028082.
- [119] L. Baccaro, “Civil society meets the state: towards associational democracy?,” *Socioecon. Rev.*, vol. 4, no. 2, pp. 185–208, May 2006, doi: 10.1093/SER/MWJ031.
- [120] H. Read, “Cognitive-emotional skills and democratic education,” *Theory and Research in Education*, vol. 19, no. 2, pp. 168–184, Jul. 2021, doi: 10.1177/14778785211028408.
- [121] P. Martinez, “Property manager and co-owners’ association: what are the differences?,” *Parlez-moi de Paris*. Accessed: Oct. 07, 2025. [Online]. Available: <https://www.parlezmoideparis.com/en/news/property-manager-co-owner-association>
- [122] Under One Roof, “Resolving problems with factors.” Accessed: Oct. 07, 2025. [Online]. Available: <https://underoneroof.scot/resolving-problems-with-factors/>
- [123] Under One Roof, “How the council enforces repairs.” Accessed: Oct. 02, 2025. [Online]. Available: <https://underoneroof.scot/how-the-council-enforces-repairs/>
- [124] A. Steingrube et al., “A method for optimizing and spatially distributing heating systems by coupling an urban energy simulation platform and an energy system model,” *Resources*, vol. 10, no. 5, May 2021, doi: 10.3390/RESOURCES10050052.
- [125] I. Wight, J. Kellett, and J. (Hans) Pieters, “Practice ~ reflection ~ learning: work experience in planner education,” *Planning Practice & Research*, vol. 31, no. 5, pp. 500–512, Oct. 2016, doi: 10.1080/02697459.2016.1222109.

Appendix A – Rationale for the approach taken in this toolkit

The perspective taken in this toolkit is that because tenement decision-making is often collective, the types of abilities which are essential in democratic decision-making systems are very much needed for tenement governance: skills needed to build trust with co-owners, understand and respond to each other's points of view, and decide together on what actions to take and how to pay for them. However, we do not claim that tenement governance is a form of democracy in itself. Also, we should note that this toolkit does not suggest that representative democracy (the form of democracy most familiar to people) is especially relevant to tenement governance. We shall take both of these points in turn.

Tenement governance is not a form of democracy

While it is recognised that the effective governance of tenement buildings depends on democratic skills and practices [12], [13] it is not being claimed in this toolkit that tenement governance itself constitutes a form of democracy. The rules of decision-making in tenements in Scotland are not democratic in many respects.

Democracy, literally “rule by the people”, is fundamentally an egalitarian idea; if there is not “some kind of equality” [107] between decision-makers it is best not described as a democracy at all (instead, it might be better described as rule by just a few). Clearly tenement owners' associations (OAs) do not always fully align with egalitarian decision-making principles.

As is noted later in section 5.2, which covers decision-making rules in tenements, decisions are typically not made on the basis of ‘one person, one vote’. Usually decisions are made based on ‘one vote per flat’, regardless of how many individuals live in each one. And where a person (or organisation) owns multiple flats, they can expect to have multiple votes.

In some cases, voting power may be weighted according to the value of the property, meaning that owners of higher-value flats have a greater influence on decisions than others²³. On the other hand, someone who lives in a flat but does not own it (e.g. because they are renting it) will have no vote at all.

Therefore, we should be wary about describing tenement governance in Scotland as a form of democracy.

Tenement governance has only little relation to representative

Representative democracy, typically associated with voting for political parties in elections every few years (e.g. for local, regional, or central government), has only a limited connection to how governance in tenements actually operates. While co-owners may elect office bearers (such as a chair or secretary), the small scale of owners' associations generally means more direct involvement by all owners in decision-making.

The possibility for more direct involvement in governance in a tenement means that other forms of more direct democracy (i.e. not just representative democracy) can provide insights into how tenements are and can be governed (see Table 16).

Table 16 - How each democracy model relates to owners' associations (OAs)²⁴

Democracy model	Key features	Relation to tenement governance
Representative Democracy	Citizens elect representatives to decide on their behalf	OAs may elect a committee or chairperson to act on behalf of all owners between general meetings.
Participatory	Broad, inclusive engagement	Encourages involvement of all owners (and possibly also tenants), especially those less likely to engage.
Deliberative	Informed, reasoned discussion	Owners engage in structured dialogue, especially for deciding on complex or contentious issues.
Organisational	Internal democracy within institutions	Focus on the internal governance, transparency, and leadership of an OAs.
Associational	Organised civil society in governance	OAs as formal actors interacting with wider networks.

As shown in the above table, owners' associations represent a hybrid form of collective decision-making, incorporating elements from several different democratic models.

²⁴ Derived from [108], [109], [110] [111], [112], [113], [115], [116], [117] [118], [119], [120]

Appendix B – Toolkit methodology

In order to develop an understanding of the most relevant democratic skills for this toolkit, two steps were taken. First, common skills were synthesised from key publications on representative [108], participatory [109], [110], deliberative [111], [112], [113], [114], organisational [115], [116], [117] and associational [118], [119], [120] democracy. Second, these common skills were examined with particular attention to their relevance and suitability for the governance of tenement buildings. The outcome of this process is displayed in Table 17.

To ensure that the key concerns of tenement owners were effectively addressed, the content of this toolkit was informed in part by insights from Under One Roof. The organisation analysed hundreds of enquiries to identify the most common questions flat owners ask about tenement maintenance and repair management. From this analysis, Under One Roof compiled a list of 15 frequently asked questions gathered through their “Ask a Tenement Expert” enquiry service.

Table 17, below, shows how these common concerns of tenement owners align with the content and structure of this toolkit.

Table 17 - Common problems in tenement governance / Content of this toolkit

Common concern / FAQ	Where addressed in toolkit
We need to carry out a common repair but don't know where to start.	5.2 What are the rules for decision-making and sharing costs in our tenement?
What can I do if I can't contact the other owners in my building?	4.1.2 Owners cannot identify co-owners
Am I responsible for this repair?	4.2 What are our legal rights and responsibilities in our tenement?
What can I do if I can't get other owners to consent to urgent repairs?	5.6 How do you deal with uncooperative or disruptive co-owners?
Can someone be forced to pay for a repair that was carried out without their being informed/asked for consent to carry out?	5.6 How do you deal with uncooperative or disruptive co-owners?
What do we do if some owners won't pay their share of costs, despite us going through all proper procedures?	5.6 How do you deal with uncooperative or disruptive co-owners?
What should we do if some owners can't afford their share of a necessary repair?	5.6.2 How do you deal with uncooperative or disruptive co-owners?
We need emergency repairs - what do we have to do to get other owners to pay their share?	5.6 How do you deal with uncooperative or disruptive co-owners?
It's unclear how we divide the cost of a repair between the different owners. How do we work this out?	5.2 What are the rules for decision-making and sharing costs in our tenement?

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Common concern / FAQ	Where addressed in toolkit
Can owners be forced to carry out a quality repair rather than just patch things up?	5.6 How do you deal with uncooperative or disruptive co-owners?
An owner has left owing money for repairs, and the new owners say it's not their responsibility. What should we do?	5.6 How do you deal with uncooperative or disruptive co-owners?
How do I get a block insurance policy put in place?	5.4.2.4 Insurance requirements
Our factor is not charging us the correct share of repair costs. How do we resolve this?	7.1.1.1 The role of factors
What do we do if our factor won't carry out common repairs or is very slow?	7.1.1.2 The role of factors
What is an owners' association and how do we set one up?	4.4 What is an owners' association and how do we set one up?

In addition, individuals involved in the running of Scottish owners' associations were asked to review the document. Under One Roof used their social networks to recruit representatives of owners' associations from across Scotland, seven of whom responded. These reviewers were invited to comment on the draft document and to participate in a workshop held on 18 December 2025 to provide oral feedback. The authorship team then addressed any identified shortcomings where possible, revising the document and adding further details where any shortcomings were identified.

As shown in the above table, owners' associations represent a hybrid form of collective decision-making, incorporating elements from several different democratic models.



²⁸ For a discussion of the complexities of the relationship between liability for costs and voting weight for Scottish tenements see 'Ownership, liability and voting rights', p.91-93 in "Discussion Paper on Tenement law: compulsory owners' associations" by the Scottish Law Commission [10].



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