

Attention All Landlords!

ENERGY PERFORMANCE CERTIFICATES (E.P.C)

With the new energy legislation coming into effect from the 4th January 2009, the important point to consider is the possible delay that may be encountered in letting a property for rent because it does not have an EPC.

WHAT IS AN E.P.C?

An Energy Performance Certificate (EPC) is a document that details the energy performance of a building based on the standardised way that the building is used. The EPC will detail the energy use, carbon dioxide emission and fuel costs of the building. The energy performance of the building is given a rating on a scale of A-G, with a being the most efficient and G the least efficient. EPCs are now mandatory for all new buildings constructed after 1 May 2007. However, recent legislation that came into effect on the 4th January 2009 will mean that all existing buildings will also require an EPC. Buildings when constructed, sold or rented out, including homes, public sector buildings and business

premises will require an Energy Performance Certificate. The EPC will remain valid for a period of 10 years.

WHY DO YOU NEED AN E.P.C?

The EPC legislation for Scotland came into effect from the 4th of January 2009. From this date, all Scottish landlords and prospective sellers must provide Energy Performance Certificates to new and prospective tenants/ buyers. The EPC must be made available free of charge at the earliest possible opportunity and no later than the time when written particulars are provided to a tenant or when a viewing is conducted or if neither of these occur, before any form of agreement is signed. Failure to adhere to these regulations can result in a penalty charge of around £200 for each breach.

We at Grant and Wilson Property Management Limited, can arrange this certificate for you please do not hesitate to call: 0141 548 1867/1864/1858



Our new car

We would like to introduce to you our new "Little Blue Car".



Gregor Mitchell

We are delighted for Gregor, who did us all proud by winning the "S1 sports championship" he was awarded this magnificent shield and various other medals.

New Members of Staff

Management at Grant & Wilson Property Management Limited would like to welcome our new members of staff to our team.

Glasgow



Ranald McWilliams
Consultant Property Manager



Grace Vallance
Property Manager

Edinburgh



Izla Bonomy
Property/Office Manager

Account Payments

TRADE ACCOUNTS

Any owner who wishes to exercise their rights to view trade accounts must advise their Property Manager in advance of this request, as this will allow time for all accounts to be retrieved from our archive files. We would then request that you make an appointment with your Property Manager, at our offices to view these accounts.

ACCOUNT PAYMENTS

We would appreciate if you are paying your account by bank transfer quote your Grant & Wilsons reference number and if by cheque write the reference number on the back. This will ensure that all monies paid will be allocated to your account when confirmation has been received from the bank.

LETTING DEPARTMENT

Our New Letting Department is now up and running and doing extremely well, our port folio of properties has now increases by 18% since October 2008. If you wish to lease a property or are thinking of Letting? Give us a call on: 0141 548 1858/1859 for a free valuation or for general information.

Property Management Section



Property Management/Factors have come in for quite a bit of criticism lately. We in the Property Management industry must ask ourself, have we done enough to apprise the public in our role as Managing Agent / Factor?

Most of the criticism being raised, is due to the lack of understanding of our role as Managing Agent / Factor. We have listed below the most asked questions and also answered them in such a way that may give you clarification.

Q: Why should we appoint a Property Management company / Factor?

A: Property Management are appointed to ensure that your property is kept in good repair the Agent's main duties are to: Deal with repairs and tradesmen, Collect everyone's share of common repair bills and payment of common insurance and feus.

Q: Are we obliged to engage a Property Management company/Factor?

A: Owners/Occupiers are under no obligation to appoint a Managing Agent, however many owners/occupiers find it difficult to carry out repairs of a common nature, unless owners collectively have a committee in place to fund the repairs, and collect each owners share. The most common problem for recovery of shares arise when you have absentee Landlord /s as you do not have the same facilities in place for recovery of debt.

Q: What is a common repair?

A: Common repair is any repair to the common property. Your title deeds will be more specific ie TV aerials if you are putting up a communal mast or aerial, chimney, roof, flashings, flood lights, ridges, roof coverings, and timbers, external walls, guttering, mutual gable wall, close walls, stairs, lintels, downpipes, stair windows, banisters, close doors, back courts, close decoration, path, common grounds, bin stores, clothes poles, stair lighting, street lighting in developments unless adopted by the council, water tanks, and main supply pipes to name but a few.

Q: What is a private repair to me the owner?

A: A private repair is anything that does not come under the communal repair ie internal chimney pots and cowls, vents and flues, roof insulation, internal walls and ceilings, flat windows, floors, floor joists, main internal branch pipes, front gardens, front doors to flats, damp proof courses to name but a few.

Q: What can the factor do if an owner will not pay their share to carry out necessary repairs and maintenance for the property?

A: The Tenement (Scotland) Act 2004 tries to protect owners and factors alike by:

- If the Factor has carried out work on behalf of owners and paid the contractors for the repairs, they then have to recuperate the funds, therefore if the owner/s make non payment to the Factor for the so called repairs, the factor can then secure the outstanding debt by placing a Notice of Potential liability against the burden section of the deeds for the owner/s, this will render the owner/s unable to sell or borrow against the title without settlement of the debt due. This also takes into account ongoing debts. Unfortunately the law does not give any consideration to funding of repairs to enable the owner/s or the factor on behalf of the non compliant owner to instruct necessary repairs.? All the Act does is to protect the debt for the payer once paid. The Factor would then have to make a commercial decision for any necessary repairs required to be carried out and would consider the working relationship and payment of the owners in the property. If any outstanding debt exist by current owner/s this will be considered when the Factor comes to making a decision.
- Any owner/s who decides to pay to have common work done on behalf of a fellow neighbour/s in order to progress any necessary repairs, can raise legal action to recover the payment made with the assistance of the Factor. The Factor will also process on behalf of the owner the sums due to them, via the quarterly account and on receipt of any payment return to the owner; a Notice will also be placed to protect the owner's funds on their behalf by the Factor. The principal problem is that the Factor and owners simply do not always



have the free funds available to carry out works on behalf of non interested owners. The Factors role is to manage property not fund owners share of the cost.

Q: I live in a block of flats and have been told by the factor that I will form part of their block policy, must I go with the factor or can I get my own?

A: The Factor in accordance with the deed of conditions which forms part of the title for your property, detail that they should hold on behalf of the co proprietors and bondholders a common block policy there is nothing specific to suggest you cannot hold your own. However, there are great benefits to be derived from forming part of a block policy and many downfalls of holding your own.

Block Policy

By forming part of the block policy, you benefit from the fact that all estimates, claim forms and repairs are processed for you. You are then safe in the knowledge that all claims are made against the full sum of the block insurance and that you and all owners in the block have adequate cover. Also in the case of any major storms and disasters, by forming part of a fully comprehensive policy (one that complies with all lenders) you also benefit from the fact that no penalties are implemented when claims are made. For example:

- No increase in premiums because of claims, only index link increases to which we have no control over.
- No loss of no claim bonuses
- Common repairs excess is divided to all owners at the property, and not simply allocated to the owner who is being affected by the problem
- You also benefit by lower premiums as we tender our office portfolio out each year to obtain the best possible cost available and based on our complete portfolio.
- The Factor will also when the repair has been instructed and the trade account received charge the repair cost to your account until the insurance company settle the same thereafter your account will be adjusted.

Own Policy

If owners hold their own individual policies the problems that arise in the first instance would be where a claim for common work arose. For Example: high winds have blown some tiles from the roof, the owners in the top floor flats are experiencing water ingress, and the water is now affecting you and your neighbour downstairs, who submits the claim answer all owners? Bearing in mind that each insurance company were a claim is raised will levy an excess, and only pay out a share of the cost for the repair until all owners submit a claim from their individual insurance company for their share of the bill.

- In many cases the owner/s have had to pay for the work in advance before the work can be instructed, as most trades will not wait until the owner/s insurance company settles the account. In many cases it can prove difficult trying to get hold of absentee landlords and ensuring all owner/s have submitted a claim, can also prove difficult.
 - Also some insurance companies will pay out the full sum and claim from the other owners insurance, this can take some time and in the mean time the repair is still outstanding.
 - This can cause major problems as instead of one claim you can have many for the one job.
 - You will also have excess, and not all individual insurance policies cover the common elements for the property,
 - There is no guarantee that all owners have adequate cover or any at all, and in the case of fire your block would have insufficient funds to reinstate the property in full if more than one flat was damaged, you would also require to obtain your own quotes, and communicate with the insurance agents time a lot of working owners do not have, loss of any no claim bonus, and higher premiums the following year.
- Q: What do we do when an owner is causing a disturbance, parking in other owners private parking space, playing loud music, parking commercial vehicles, leaving large items uncollected, dog fouling and what can the Factor do?

A: The Factors hands are pretty much tied as we are not owner/s, and the problems experienced are civil matters between owner/s. However we can write to all owners highlighting the problem and applicable elements of the deeds and advise all concerned of the laws in place to deal with such matters. For the avoidance of doubt the law is on your side and Scottish Parliament have introduced and Anti- Social Behaviour Scotland Act 2004. The Act gives local authorities wider powers to stand up to the minority in each community. The Law gives local agencies councils, Police, powers to deal with anti social behaviour such as above.