

From: A member of the public from the Glasgow Area.

Sent: 05 June 2002, 10 June 2002, 18 June 2002 and 19 June 2002.

To: tony.cain@scotland.gsi.gov.uk

Subject: Response to Housing Improvement Task Force request for public feedback, including comments on Tenement Property Managers and Tenement Property Maintenance.

Dear Mr. Cain,

I understand that you are inviting suggestions from members of the public for the improvement of the property management of tenement buildings in Scotland.

I do feel that the present situation lacks both clarity and standardisation. This often leads to confusion over responsibilities, unnecessary disputes, essential repairs not being carried out (or being delayed) and money being needlessly wasted. Such problems have occurred repeatedly in my experience of living in Glasgow tenement flats for over 35 years.

I would like to suggest the following for your consideration:-

1. The provision of a contract/information package to anyone buying a property in a tenement building, which clearly outlines both the responsibilities of the property managers and the obligations of owners. While *some* property managers do make an attempt to provide an information guide, it is usually not in the form of a proper contract.

2. Most property managers adopt a *reactive* approach to repairs. I would like to see this replaced by a more *proactive* approach which would involve at least *an annual inspection of the property* and recommendations for repairs. Delays through either owners' ignorance of a problem or indifference towards it can (and do) add significantly to the ultimate cost of repairs.

3. Problems arise where obstructive or neglectful owners *knowingly* cause lengthy delays to the carrying out of essential structural repairs. I would like to see a change in tenement property law which accepted the vote of a *simple majority* of owners as sufficient for going ahead with work. If difficult financial circumstances were a problem for any owner, then a standard system of easy payments over an agreed period could surely be devised to deal with this.

4. Insurance of tenement properties is needlessly complicated. Some tenement blocks are insured with *block policies*. Some have *each individual flat insured separately*. I would like block policies to be ultimately accepted as *standard* by all those concerned with both the purchase and management of tenement flats. This is a lot cheaper and greatly simplifies claims such as water damage between flats within the same building. The present situation where mortgage lenders sometimes insist on their own insurance cover *in addition to* cover provided by property managers is clearly an unnecessary and costly duplication.

5. Absentee landlords: I have had frequent experience of landlords holding up *urgent repairs* because of (a) difficulties in contacting them, and (b) access problems for tradesmen. I suggest a *legal obligation* for absentee landlords to provide (a) emergency contact information, and (b) a duplicate set of keys to property managers so that these delays can be

minimised.

As an example of point 5 above, I can cite the recent experiences of people in a neighbouring tenement block where, on two occasions in the past year, repairs to a dripping toilet overflow pipe were held up for approximately *three weeks* in each case while property managers contacted the absentee landlord *by letter* and eventually persuaded him to take some action. I understand that he consistently refused to provide a contact telephone number. Meanwhile the pipe dripped continuously on to an outside stairway leading up to the drying green and bin shelter. On the first occasion this formed as sheet ice and was a hazard for anyone using it. Broken bones and possible subsequent litigation were mercifully avoided!

(The following is an additional topic to be included in the consultation response.)

1. The subject of the *quality* of repair work by firms chosen by property managers has been an ongoing problem for years.
2. When quotations for repair work are obtained by them, it is invariably the *lowest* quotation which is recommended for acceptance, irrespective of the fact that the firm concerned *may* have a track record of sub-standard repair work.
3. This often leads to further remedial work being necessary and owners being obliged to pay up yet again.
4. It is *extremely difficult* to persuade property managers that further remedial work has resulted from poor workmanship in the first place. They usually hide behind the fact that owners have accepted their recommended quotation and should have no cause to seek redress. The fact that *the property managers themselves recommended acceptance of the quotation* is usually ignored.

As I see it, one way round this is for property managers (a) to employ a *dedicated clerk of works* whose job it is to examine (and pass or fail) repair work on completion, and/or (b) to insist on repair firms offering a *specified guarantee period* for any work completed.

In general, I don't think it's unfair to suggest that there is a long-standing, widespread perception that property managers do not *appear* to have the interests of responsible owners at heart, but are quite happy to sit back and provide business opportunities for those firms with whom they have long-established relationships, *irrespective of the standard of workmanship provided*.

I also accept that, because of current property law, neglectful and irresponsible owners are allowed to let buildings deteriorate, and property managers have great difficulties persuading them that work should be done urgently.

(The following comments are to be considered in addition to the initial consultation response.)

Preventive Maintenance of Tenement Blocks and Gardens

While a proactive approach to repairs by property managers would be ideal and save owners money in the long term, I recognise that some owners choose to adopt a short-term, minimalist repair attitude, *especially* if they intend to sell (or rent) their properties in the near

future. This is permitted to be a major disincentive to a high standard of preventive maintenance *even if property managers might wish to encourage it.*

Historic problems in obtaining payment from some owners for anything but essential repairs creates, in itself, an understandable culture of reluctance among property managers to recommend preventive maintenance. Consequently, *each party (owners and property managers) has learnt over the years to adopt attitudes which discourage the other from seeking those kind of improvements.*

Within 'preventive maintenance' I include not only buildings themselves, but fences and railings, tenement gardens, unpruned trees and (particularly) hedges, many of which remain uncut from year to year and overhang public footpaths. This has been a growing (no pun intended!) problem in the west end of Glasgow for some years. And the trend towards multi-occupancy has seen a marked deterioration in those areas where it predominates. *So civic pride and high levels of long-term owner-occupation no longer exist in many tenement areas to act as maintenance incentives.*

In general, the present archaic state of Scottish property law seems to fuel these attitudes at worst or fail to discourage them at best. Legal incentives for preventive maintenance appear to be absent (or are rarely applied if they do exist), so owners and property managers understandably take the line of least resistance. Result: (a) More money ultimately wasted by owners on avoidable major repairs; (b) More work for contractors; (c) Frustrated responsible owners. Or simply ongoing neglect in the case of tenement gardens.

(The following suggestions close the consultation response.)

Possible Incentives for Maintenance of Tenement Buildings and Gardens

1. Any proposed legal incentives offer a 'stick' approach: financial penalties if you *don't* maintain your property/garden.
2. Would there be any way of combining this with a 'carrot' approach? - i.e. financial incentives if you *do* maintain your property/garden to a high standard.
3. Yes, administrative and inspection problems spring immediately to mind, but *some* way of combining 'carrot and stick' is surely not impossible if those at the administrative 'chalkface' in the Scottish Parliament applied their razor-sharp legal minds to it!
4. When owners sell tenement flats, could a proportion of the agreed purchase price be legally ring-fenced by property managers for repairs recommended by the chartered surveyor who carried out the survey? Why should the buyer be expected to pay for the sins of the seller?!

Private Rented Accommodation:

As a student in Germany I was very impressed with the consistently high standard of private rented accommodation. This was greatly encouraged by a *standard understanding* that outgoing tenants were expected to re-decorate their bedsit rooms in preparation for the incoming tenant. A straightforward coat of white emulsion was the approved method. Deposits were returned only after this had been done - plus the cost of the paint when a

receipt was provided. Simple but effective!

I hope this input is of some help to you and I'm delighted to learn that the Scottish Executive is looking at such questions.

The name and address of this respondent have been withheld by the Secretariat.