

SCHEDULE

Regulation 2

NOTICE TO PERSON HAVING CONTROL OF A HOUSE IN SERIOUS DISREPAIR UNDER SECTION 108 OF THE HOUSING (SCOTLAND) ACT 1987

To [name], the person having control of the house [address or other description of the property].

Take notice that [name and designation of local authority] are satisfied that the above house is in a state of serious disrepair, and require you within a period of [number] days, ending on [date], to execute the works necessary to put right the following defects:

[description of defects]

In the opinion of the local authority, once these defects are put right, the house will be in a reasonable standard of repair, taking account of the age and character of the house and the area it is in, but ignoring the state of internal decoration.

Signed..... Date.....

Notes:

1. **If you have any doubts about the matters set out in this Notice, you should contact the local authority, or consult a solicitor to seek legal advice.**
2. The person having control of a house is the person who is entitled to receive rent, or would be entitled to do so, in respect of the house, if the house was let out. This may be the owner or a factor, agent or person in a similar position.
3. The local authority considers that your house is in serious disrepair, or in need of repair and likely to get worse quickly or to cause material damage to another house, and has therefore issued this Notice telling you what you must do to put right the defects. It is for the local authority to decide what constitutes a good state of repair. The local authority will not consider the state of internal decoration, but will take into account the age and character of the house and the area it is in.
4. In this context, the definition of a “house” includes any building which includes a house or houses and other premises. This means that the owners of non-residential premises in the same building as houses may also have responsibility for repairs required under this Notice.
5. This Notice specifies the date by which the works must be done. This must allow a reasonable time, as determined by the local authority, for the works to be carried out. The time allowed must be at least 21 days. You can appeal to the Sheriff against this Notice, and you must give notice of your appeal within 21 days after the date of service of this Notice. If you do so, the local authority cannot take any action to enforce this Notice until your appeal has been decided.
6. If the work is not completed by the date set, and you have not brought an appeal, the local authority may arrange to do the work itself. They can then send you a demand to repay the costs of the work, plus interest. Where work is done on a building which includes more than one house and/or other premises, the local authority may decide whether, and how, to divide the cost among all the properties in the building. Businesses that have premises within a building which includes more than one house and/or other premises ownership may also be required to contribute to the repairs. The local authority may also carry out further works which are necessary to bring the house up to the required standard of repair which could not reasonably have been known about before this Notice was served. You can appeal to the Sheriff against a demand for payment, and you must do so within 21 days from the date of the demand. The Sheriff may also decide whether any additional works carried out by the local authority are necessary or whether they could have been known about before this Notice was served.
7. You can apply to get a grant and/or a loan from the local authority towards the cost of the works. You should contact the local authority to find out about these grants and loans.