



University  
of Glasgow

# Governance of Apartment Buildings in Scotland

Frankie McCarthy

[frankie.mccarthy@glasgow.ac.uk](mailto:frankie.mccarthy@glasgow.ac.uk)

Twitter: [@drfrmccarthy](https://twitter.com/drfrmccarthy)

INSPIRING  
PEOPLE



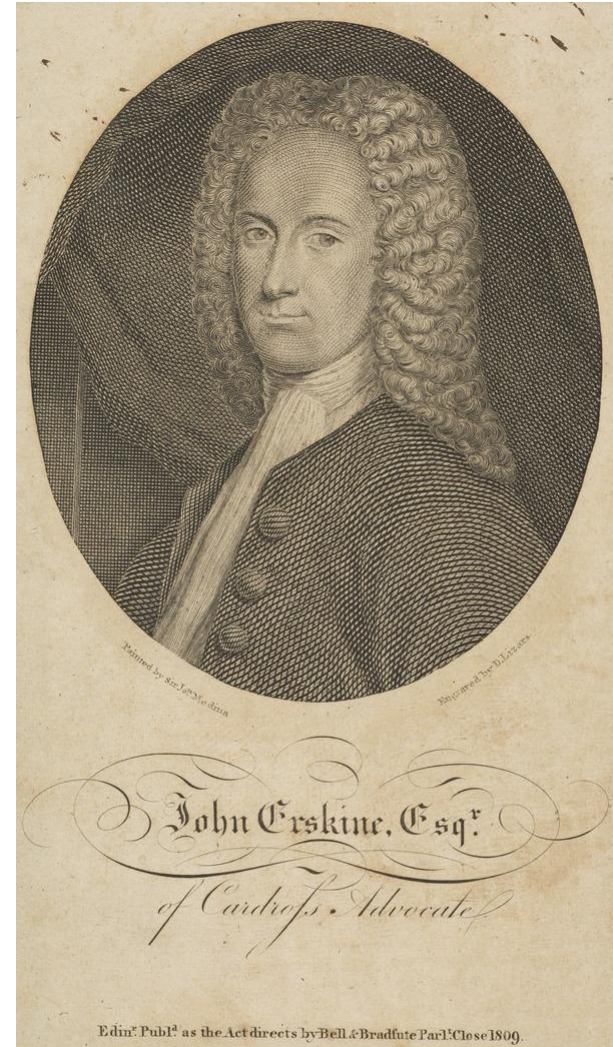


# The Law of the Tenement



# Key sources of law

- Tenements (Scotland) Act 2004
- “Common law”
- Title deeds
  - Obligations imposed by superior or developer
  - Mutually enforceable between owners



# Ownership



- Fee simple interest in each flat
  - Roof: top flat
  - Land: ground floor flat
  - External walls: corresponding flat
- Undivided share of ownership in common parts
  - Main door, staircase or elevator
- Variations in title deeds

# Management

- Tenement Management Scheme
  - Shared control of strategic parts
    - Land, foundations, external/load-bearing walls, roof
    - Anything in common ownership
  - Maintenance: simple majority
  - Costs shared amongst all
- Limited application for EE
  - Not just strategic parts
  - Not just maintenance
- Beyond the scheme
  - Sole ownership: sole control
  - Common ownership: unanimity





# Challenges



1. Legal complexity
2. Issues with decision making processes
  - a) Within Scheme
  - b) Beyond Scheme
3. Voting thresholds
4. Access to funding
5. Conceptual problems?