

# How do I change the common areas of my property?

Easy read

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## What are 'Common areas?'



Common areas are areas inside and outside your building that other people use.

These are things like the doors, path or steps to and from the building, or places everyone uses like an entrance hall, common room, laundry area, or bin storage.

## This leaflet is for you if:

- you live in a property with a shared area inside or outside.
- you need to make changes to the shared area to make it easier for you to get around.
- you want to know what you need to do, who to speak to and when you need to do it.



## What are 'Relevant adjustments'?

These are adaptations to the building so a disabled person can use the shared areas in the same way as everyone else.

An adaptation is a change.





## Why have we made this leaflet?

The Scottish Government have made new rules.

The new rules mean disabled people can make adaptations to the shared areas of their property if most owners agree.



An owner can only say no if they have a good reason.

If owners say no you can go to court and ask the Sheriff to decide.



## I rent my home from a private landlord. Can I make changes to the shared areas?

Yes. You have the same rights to make adaptations.

The landlord has the same rights as the other owners in the building.



## Need some extra support?

If you need some support to go through this process you can ask for an advocate to help.

Advocacy services support people to have their views heard.



You can find out more about advocacy and find an advocate in your local area, on the Scottish Independent Advocacy Alliance's website at [www.siaa.org.uk](http://www.siaa.org.uk)

On pages 13 and 14 of this guide there are details of other organisations that could help.

### **Who pays for the adaptation?**

You can pay for it yourself or you can apply for a grant from the council.

A grant is money to be used to make the adaptation.

You apply for the grant from your council's 'Scheme of Assistance'.

The grant may cover the cost of the adaptation or you may have to pay some of the cost.

This website gives more information:  
<https://www.gov.scot/policies/independent-living/>

### **Where do I start?**

If you are applying for a grant contact your local Social Work Service.

Find your local social services online at:  
[www.mygov.scot/social-services/](http://www.mygov.scot/social-services/)





They will do an assessment of what you need help with and what you want to change.

The assessment will usually be done by an Occupational Therapist.

You can also ask Care and Repair for help and support if you are applying for a grant or if you are paying for the adaptation yourself.



Look online to find your local service at:

<http://careandrepairsotland.co.uk/office-locations.html>

If you do not have a local Care and Repair, your Council will have a similar service.

### **What if the property can't be changed?**



Ask your local Social Work Service how to find a home that meets your needs.

It might be better to move to another property.

It would make sure you can live safely and independently.

## **Do I have to tell the other owners in the building about the adaptations?**



Yes, you must write to the other owners to tell them you want to change the common area of your building.

You must ask them if they agree or disagree.

If you do not know all the owners you can use the Scottish land registry to find out.



This website will help:

[www.ros.gov.uk/services/search-property-information](http://www.ros.gov.uk/services/search-property-information)

You can order digital copies of title documents for £3.60

A title document tells you who owns the property.

## **Some of the properties are rented. How do I find who the landlord is?**



A landlord is a person or company that owns the property.

- Ask the tenants to tell you who their landlord is
- or go online to use The Scottish Landlord Register.

<https://www.landlordregistrationscotland.gov.uk/>





If you live in a large block of flats where there are many owners, you could send your letter to the company that looks after the whole property. They are called the factor.



They may be able to send the letter by email or newsletter to all the people in the properties.



**I tried to get agreement for an adaptation before, but the owners said no.**

**Can I try again?**

Yes. The new rules say that owners can't say no unless they have a good reason.

If they don't reply or they say no, you can take your case to the Sheriff and they will make the final decision.



**What do I need to tell the owners?**

All the forms you need are in the 'Schedule' section of this website:

<http://www.legislation.gov.uk/sdsi/2020/9780111043615/contents>





- Fill out the form 'Application For Consent For Relevant Adjustments'.

This explains what changes you want to make.



- Get the form called 'Notice Of Decision Of Owner Of A Property With A Share In The Common Parts Of The Premises'.

The owner will fill out this form to say if they agree or disagree with the changes you want to make.

- Send these two forms to all the owners.



Send them by registered post so you have proof they have been delivered to the owners.

The owners must sign to say they have got them.

### **What if an owner doesn't reply?**

If an owner doesn't give you an answer this is the same as them saying no.





## What happens when I have told the owners what changes I want to make?

Owners have 28 days after they get the forms to tell you if they agree or disagree.

You can start the adaptations if:

- most owners agree and you have completed the 'Notice of Majority Decision' form and sent a copy to all the owners.  
More information about this form is on page 10.



- none of the owners who said no have asked the Sheriff to look at the case
- the adaptation meets rules and laws about building and fire safety.



This could be things like a building warrant or planning permission.

## What kind of conditions can the owners ask for?

Owners can ask for 'reasonable conditions' to be attached if they agree to the work.

This means they want the work to be done in a certain way.



There is no list of reasonable conditions but some examples are:



- Asking that any work should not begin before a certain time in the morning and should finish by a certain time in the evening.



- Equipment being used to make the changes should be taken away at the end of every day and the area should be clean and tidy.



- Adaptations should, where possible, blend with the area being adapted. An example would be asking for the colour to be the same as the surrounding colour.

You have a 'right to appeal' to the Sheriff if you think the conditions are unfair.

### **What do I do if most owners say 'yes'?**



When the owners reply, and most of them agree you can make the changes, you must fill out the form 'Notice of Majority Decision'.



Send a copy of it to all the owners.



### **Who makes sure the adaptations are in good working order?**

The disabled person must make sure the adaptations are kept in good working order or repaired if needed, unless an agreement has been made with the other owners.



### **What happens if I move to a new property?**

If you sell your property and the new owner don't want to keep the adaptation you must take it out or put the property back to how it was before.



### **How do I appeal to the Sheriff?**

You can find more information about how to do this at:

<https://www.scotcourts.gov.uk/taking-action/summary-applications>.



You could get advice from your local citizens advice or get your own legal advice from a solicitor.

Details of other organisations that could help are on pages 13 and 14 of this guide.



### **I took my case to the Sheriff but lost. Why?**

This can happen if the Sheriff thinks the adaptation is not fair or it does not meet the rules and laws about building or fire safety.



Examples of this could be:

- Asking for a lift to be put in so you can get to your flat on the 4<sup>th</sup> floor.
- Asking for a stairlift to be put in but it would make the staircase too narrow for other people.



### **What do I do now?**

Get advice from your local Social Work Service about getting a home that meets your needs.

## Advice



### **Disability Information Scotland**

<http://www.disabilityscot.org.uk>

Has a directory which can help you find legal or other advice services in your area.



### **Disabled Living Foundation**

[www.dlf.org.uk](http://www.dlf.org.uk)

A national charity that gives advice on independent living.



### **Housing Options Scotland**

[www.housingoptionsscotland.org.uk](http://www.housingoptionsscotland.org.uk)

Advice and support for disabled people, people who have been in the armed forces and older people on housing problems.



### **Care Information Scotland**

[www.careinfoscotland.scot](http://www.careinfoscotland.scot)

Information on care services.



## **Shelter Scotland**

<https://scotland.shelter.org.uk/>

Housing advice including adaptations.



## **Citizens Advice Scotland**

[www.citizensadvice.org.uk/scotland](http://www.citizensadvice.org.uk/scotland)

Advice on many different things including housing.





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