

Missing Shares Application Guide & Supporting Information

This guide contains everything you need to apply for a Missing Share. This guide is designed to be used in conjunction with our missing shares advice sheet.

Before submitting your application, please read carefully through the step-by-step instructions on how to apply. Make sure that you have included copies of all the documents within the checklist as detailed in **section 1** with your Missing Share application form.

To make the process easier for you, there are templates included in **Section 2** of the guide which can be used for your ease.

Contents:

Section 1: How to apply for a Missing Share

Section 2: useful templates for your use

Section 3: Missing Share Application Form and step by step guide

Section 1: Applying for a missing share

Step 1

Before you complete the **Missing Share application form**, you must get the majority of owners to agree to a communal repair (known as a '**Scheme Decision**').

Once a scheme decision has been made (all owners within the tenement have had the opportunity to vote on whether the works proposed should proceed) all owners must be advised in writing what the scheme's decision is (result of the vote for the tenement). This is called a '**Notification of the Scheme Decision**'.

Step 2

The next step is to serve all owners with a Housing (Scotland) Act 2006 **Section 50 Notice**.

This involves issuing the following documents for your common repair to all the owners who are responsible for the repair:

1. A **Section 50 Notice**
2. A **Certificate of Serving the Section 50 Notice** included with a
3. A **Section 50 Notification Letter**

Detailed instructions and templates for each of these documents are included in **Section 3** of this guide.

After completing Step 1 and 2, make sure you have your project information together to include along with your **Missing Share Application** form.

Use the checklist below to ensure you have all relevant documentation prior to submitting your application.

- Copy of the **Section 50 Notices** issued to all owners
- Copies of the **Certificates of serving the Section 50 Notices**
- Copy/copies of the **Section 50 Notification Letter** sent to the missing share owner(s)
- Copy of the **missing share owner(s) title deeds** which relate to the apportionment of costs
- Copy of the building's **maintenance account statement** which evidences the missing share(s)
- Copies of the **contractor quotes** provided for the work

Step 3

Once you have the relevant copies of all document listed above, the next step is to fill in the Missing Share application form. You will find this included in **Section 3** of this pack.

Guide Part 2 -

Section 50 notices and related templates

Section 50 Notice instructions

Contents:

1. Section 50 Notice instructions
2. Section 50 Notice template
3. Certificate of serving the Section 50 Notice template
4. Section 50 Notification letter template

Section 50 Notice Instructions

Once a 'Scheme decision' (agreed common repairs) has been made by the majority of owners and the **Notification of Scheme decision letter** (appendix 4) has been sent to all owners, insert the relevant details to complete the notice and issue the **Section 50 Notice (S50)** to all owners.

*The notice should always be served at the owner's **home address** (or to their agent if they have one) and never to their tenant or tenancy.*

*If the home address of an owner is not known, then it is acceptable to serve the notice by email. **Copies of all served notices** should be kept for your records and the notice for the missing share owner should be submitted with the application.*

Section 50 Notification letter

The **Section 50 Notification Letter** (appendix 3) should accompany the Section 50 Notice and issued to **all owners**.

*A **Copy of the Section 50 Notification Letter** sent to the **Missing Share owner(s)** should be kept and submitted with the application.*

Certificate of Serving the Section 50 Notice

The **Certificate of Serving the Section 50 Notice** should be completed for **each owner** and sent to the Council with your application. To serve the notice a **witness** is required and they should sign the Certificate showing as proof of serving the S50 (appendix 2).

Templates for the **Section S50 Notice, Certificate of Serving the Section 50 Notice** and **Section 50 Notification Letter** are included below:

Section S50 Notice

Requirement on owners to make payment into a joint Maintenance Account (A Notice must be issued to each property owner/s)

This is notice to the owner(s) of the property identified below to advise that they are required to pay their share of the estimated cost of common works into a joint maintenance account. Full details of estimated costs, work and where to pay are provided below:

Name(s) of owner(s)																						
Owner(s) of the property at This is the address of the property where the work is to be carried out. Please specify the flat number.																						
Correspondence Address If different from above Email address If Known																						
Shall deposit a sum of: This is all properties full share of the estimated works cost	<p>The Title Deeds/Tenement Management Scheme (<i>delete as appropriate</i>) confirm the following apportionment of costs for all owners –</p> <table border="1" data-bbox="647 1525 1401 2020"> <thead> <tr> <th data-bbox="647 1525 834 1597"><u>Flat</u></th> <th data-bbox="834 1525 1019 1597"><u>Share %</u></th> <th data-bbox="1019 1525 1401 1597"><u>Share £</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="647 1597 834 1668"></td> <td data-bbox="834 1597 1019 1668"></td> <td data-bbox="1019 1597 1401 1668">£</td> </tr> <tr> <td data-bbox="647 1668 834 1740"></td> <td data-bbox="834 1668 1019 1740"></td> <td data-bbox="1019 1668 1401 1740">£</td> </tr> <tr> <td data-bbox="647 1740 834 1812"></td> <td data-bbox="834 1740 1019 1812"></td> <td data-bbox="1019 1740 1401 1812">£</td> </tr> <tr> <td data-bbox="647 1812 834 1883"></td> <td data-bbox="834 1812 1019 1883"></td> <td data-bbox="1019 1812 1401 1883">£</td> </tr> <tr> <td data-bbox="647 1883 834 1955"></td> <td data-bbox="834 1883 1019 1955"></td> <td data-bbox="1019 1883 1401 1955">£</td> </tr> <tr> <td data-bbox="647 1955 834 2020"></td> <td data-bbox="834 1955 1019 2020"></td> <td data-bbox="1019 1955 1401 2020">£</td> </tr> </tbody> </table>	<u>Flat</u>	<u>Share %</u>	<u>Share £</u>			£			£			£			£			£			£
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		TOTAL	100%
To be deposited into this maintenance account:	Name of Bank: Address of Bank: Sort Code: Account Number:		
Final date money is due to be deposited in the maintenance account	Date:		
Details of work being carried out as per the agreed Scheme Decision			
Detail the estimates voted on and reasons for this being the preferred choice: Contractor and costs			
Date of Scheme meeting/agreement by owners that the work was	Date:		

needed This must have been a majority decision																								
If all shares are paid the proposed timescale for carrying out the works are:	Number of weeks work likely to take: Proposed start date: Proposed end date:																							
Names and addresses of all the owners who have agreed to the works	<table border="1"> <thead> <tr> <th data-bbox="632 788 951 855">Name(s)</th> <th data-bbox="954 788 1390 855">Address</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>		Name(s)	Address																				
Name(s)	Address																							

If any part of the Notice is not clear or you need any further information, please contact:

Name: Lead owner/factor

Signed:

Date:

Contact telephone number:

Certificate of Serving the Section 50 Notice

I (*insert name*), hereby certify that on (*insert date of service*) I duly served a notice in terms of section 50(1)(b) of the Housing (Scotland) Act 2006 upon the owner of (*insert address of property*), a copy of which is attached hereto. This I duly did by handing to the owner / posting through the owner's letterbox / posting to the owner's correspondence address / emailing the owner (delete as appropriate) in the presence of (*insert name of witness*), witness (*insert address of witness*).

Signature

Print name

Witness's Signature

Print name

Date

Name
Address
Town
Postcode

Insert date

Dear

Section 50 Notification Letter

Housing (Scotland) Act 2006 – Section 50 Notice (S50)

As you are aware, our building requires communal maintenance works to be carried out which all owners are financially responsible for. The attached Section 50 Notice is a formal request for the lodging of your share of the estimated cost of the works and requires to be served to comply with the Housing (Scotland) Act 2006.

The Notice details the required maintenance works, quotes obtained and voted on. Details of the awarded contractor, the estimate and the reason it was selected as the preferred option.

Prior to the contractor starting works the full amount of the estimate must be deposited into the buildings maintenance account. Please ensure that your share is deposited by (*insert date*) to the maintenance account detailed on the S50 Notice.

If you are unable or unwilling to pay your share of the costs, this Notice gives owners the opportunity to make an application to Aberdeen City Council asking them to pay and recover a missing share. You should be aware that this would result in additional charges being applied by the Council to the owner whose share was paid.

If any part of this Notice is not clear, or if you have any questions please do not hesitate to contact me directly on (*insert lead owners contact details*).

Yours sincerely

(*insert name*)

Part 3: Missing Share Application Form and Instructions

The **Missing Share Application Form** (see following page) must be fully completed.

Section 1 - must be signed by all owners. Where this is not possible, a short email from the owner confirming their agreement/declaration is sufficient.

Section 2 – maintenance account details. *Please note this must be interest-bearing and have 2 approved signatories. The two signatories must be owners of different properties in the tenement.*

Section 3 – Supporting information, the following is required along with your application form.

1. Copies of the **Section 50 Notice** issued to the missing share owner/s.
2. Copies of **Certificate of Serving the Section 50 Notice** – we require one for each owner.
3. A copy of the **Section 50 Notification Letter sent to the missing share owner(s)**.
4. A copy of the **missing share(s) owners title deeds** where it confirms apportionment of costs and liability.
5. A Copy of your **Buildings Maintenance Account statement** showing all payments, this amount should match the contractors quote less the missing share(s) if this is not the case we require a written reason.
6. Copies of the Contractor quotes.
7. Evidence of 'Scheme decision' agreed – Copy of Owners Voting preference, (either a note of meeting or a short email from each owner confirming their decision/vote).
8. Evidence of Notification of 'Scheme decision' to **missing share owner(s)** – letter or email advising **missing share owner(s)** of 'Scheme decision' (owners agreed decision).

Missing Share Application Form

APPLICATION FOR A MISSING SHARE PAYMENT

Please note applications may not be considered for repair works already started.

The maximum share considered by the Aberdeen City Council is £20,000, the minimum share is £500

1. OWNER'S DECLARATION

We declare that we, the undersigned, are the owner(s) of property at;

Address

and that we hereby make application for a missing share payment/s of £... per share to be made by Aberdeen City Council to the undernoted maintenance account. The payment/s are for properties (*insert flat numbers*) who are unable or unwilling to pay their share of communal repairs.

All decisions taken in relation to the tenement leading to this application being made comply with: (i) the Tenement Management Scheme set out in schedule 1 of the Tenements (Scotland) Act 2004, in so far as it applies to the tenement in terms of section 4 of the 2004 Act; (ii) any applicable tenement burdens, as defined in section 29 of the 2004 Act and (iii) the development management scheme in terms of section 71 of the Title Conditions (Scotland) Act 2003 in so far as it applies to the tenement.

The share of the estimated costs apportioned to the owner(s) not in compliance with a notice served in terms of section 50 of the Housing (Scotland) Act 2006 to which this application relates does not conflict with any provision about liability for or apportionment of costs contained in said Tenement Management Scheme, any applicable tenement

burdens and said development management scheme in so far as it applies to the tenement.

Print Name/s		Flat Position	
Signature/s		Date of signing	
Print Name/s		Flat Position	
Signature/s		Date of signing	
Print Name/s		Flat Position	
Signature/s		Date of signing	
Print Name/s		Flat Position	
Signature/s		Date of signing	

Print Name/s		Flat Position	
Signature/s		Date of signing	
Print Name/s		Flat Position	
Signature/s		Date of signing	
2. MAINTENANCE ACCOUNT – BANKING DETAILS			
Name of Bank/Building Society			
Address of Bank/Building Society			
Name of Account			
Account number			
Sort Code			
Name of Signatory 1			
Name of Signatory 2			
3. SUPPORTING INFORMATION			
We enclose the undernoted information in support of our application (please tick to confirm)			
A copy of the Section 50 Notice issued to all owners			
Copies of the Certificate Showing Proof of serving the Section 50 Notice issued to all owners			

A copy of the Section 50 Notification Letter sent to the missing share owner(s)	
A copy of the missing share owner(s) title deeds which relate to the apportionment of costs	
A copy of the building's maintenance account statement which evidences the missing share(s)	
Copies of the contractor quotes provided for the work	
Evidence of the scheme decision agreed by all owners confirming their decision/vote (<i>note or short email</i>)	
Evidence of Notification of Scheme Decision to missing share owner(s) (<i>Proof of Posting or copy of email advising of owners' agreed decision</i>)	
The majority owners who are applying for a missing share are also required to confirm that the following statements are true	
We have considered alternative funding options but have rejected these as unsuitable.	True / False
We have attempted to contact the non-participating owner prior to service of the Section 50 Notice.	True / False
We confirm that there is no outstanding litigation between the missing owner(s) and their fellow owners under Section 5 of the Tenement (Scotland) Act 2004	True / False

Please submit completed applications and supporting evidence to:

Private Sector Housing Unit

Marischal College

Business Hub 11

Broad Street

Aberdeen

AB10 6QJ