

From mountain to sea

Matchmaker Scheme - Considerations for Purchasers

Summary

This guide is for purchasers of property to raise awareness of some of the responsibilities and restrictions that may be attached to a property. These details will be included on the title deed of the property, and will therefore be highlighted at the conveyancing stage of a purchase. However being aware of these matters may help a buyer make a more informed decision on the suitability and affordability of the property prior to incurring legal costs.

There is a vast amount of information available online and in publications covering considerations when purchasing a property, such as mortgage advice, insurances etc. This leaflet is to raise awareness of matters specifically relating to a property.

Common areas and shared responsibility

If you are considering the purchase of a flat, or perhaps a property on a private development, there may be 'common areas' that an owner is responsible for. The responsibility is usually stated as a percentage on the title deed. This will indicate the extent of the repair and maintenance liability for that element of the property. These conditions are called "Real Burdens"

For example, if a building is sub-divided into 5 flats, then each owner will be responsible for a proportion of repair and maintenance costs of the roof. It may be as simple as each owner being liable for 20%, but in some cases the responsibility is based on the floor area of each flat, and therefore an owner of a larger flat will have a greater percentage of the common repair costs.

There may also be a Factor, residents association or management company who deals with these matters on behalf of the owners, and in these cases there may be an additional cost for those services.

Where there are common areas you could also check with the owner if there are any works proposed to the building. The new owner would be responsible for the cost of those works. You can then consider if you have a sufficient budget to cover this. These works may be identified within the Home Report document.

Burdens and Covenants

When considering a property you could enquire about any covenants or burdens on the property. These can include not running a business from the property, to restrictions on the use of the land or limitations on extensions to the property etc.

Some covenants may be very old and the purposes for which they were originally imposed may have long since ceased to be apparent or even reasonable. Some covenants may be new and imposed by the immediate vendors of the plot.

In all cases, no matter how old they are, covenants cannot be removed or disregarded unless they are extinguished by agreement, which usually involves some form of payment or an application to the Lands Tribunal.

Boundaries

When you are buying a property you should confirm the extent of the property or landholding. The existing owner should be able to clarify this, but in the event of doubt, a boundary search is recommended. This identifies the boundary of the house, garden or other land and indicates responsibility for maintenance of fences and garden walls.

Further information

Details of these matters will be contained within the documents held by the Registers of Scotland. The website for RoS is <http://www.ros.gov.uk/>

✉ **Contact Aberdeenshire Council if you would like further advice on the Matchmaker Scheme:** emptyhomes@aberdeenshire.gov.uk

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