

**NORTH LANARKSHIRE COUNCIL
REPORT**

To: POLICY AND RESOURCES (REGENERATION AND INFRASTRUCTURE) SUBCOMMITTEE		Subject: 22 CRONULLA PLACE, KILSYTH SALE OF COMMUNAL SHARE WITHIN ROOF SPACE
From: HEAD OF ENVIRONMENT AND ESTATES		
Date: 22 January 2014	Ref: MAR/HG	

1. INTRODUCTION

- 1.1 The purpose of this report is to seek consent to the adjustment of sale conditions in respect of the sale of the Council's common interest in part of the roof/roof void to the proprietor of 22 Cronulla Place, Kilsyth.

2. BACKGROUND

- 2.1 At its meeting on 5 September 2013, Committee approved the proposal to homologate action taken to sell its' communal interest within the roof space of the property at 22 Cronulla Place, Kilsyth.
- 2.2 At that time, the property was owned by a Mr and Mrs MacFarlane, who had converted part of the common roof void to create additional habitable accommodation. Subsequently, it had emerged that they did not have exclusive ownership of the area and thereafter, when planning to dispose of their property, this had been identified and the proprietor's solicitor had approached the Council with a request that the situation be formalised through conveyance of the appropriate common interests in the larger block at 20-26 Cronulla Place.

3. DESCRIPTION

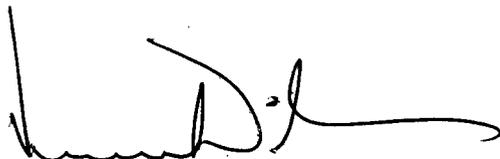
- 3.1 22 Cronulla Place, Kilsyth is an upper flat in a block of 4; where the Council retains ownership of the 3 remaining properties.
- 3.2 The title deeds confirm that the roof and roof void are common property shared amongst the 4 flats.
- 3.3 In order to regulate the title because of the roof conversion, the proprietor of 22 Cronulla Place must acquire the communal shares of that part of the roof void where the works were undertaken.

4. SALE PROPOSAL - ADJUSTMENT

- 4.1 As indicated in the previous report, it had been provisionally agreed that the Council offered to sell its' share in the common interest in part of the roof void for a consideration of £500. In addition, the owners were required to relinquish their interest in the remaining part of the roof and roof void above 24-26 Cronulla Place.
- 4.2 It was also confirmed that delegated authority was granted to the Executive Director of Corporate Services in consultation with the Head of Housing Services/Head of Land Services to determine the final arrangements required to protect the Council to regularise their position in relation to repairs and maintenance responsibility to ensure that the Council's position was adequately protected in the future.
- 4.3 While Mr and Mrs MacFarlane disposed of their interest in the property to Persimmon Homes, they did not complete the transaction with the Council, prior to the sale of their property, therefore the authority that exists requires to be amended to ensure that the interest in the roof/roof void can be transferred to Persimmon Homes, the new owner of the property.

5. RECOMMENDATIONS

- 5.1 It is recommended that Committee grants formal consent to the disposal of the interest as noted above, to regulate the title position in order that the transfer may now take place with Persimmon Homes (or their nominees) rather than the previous owners.
- 5.2 All other terms and conditions to be adjusted by the Executive Director of Corporate Services in consultation with the Head of Housing Services/Head of Environment and Estates.



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Head of Environment and Estates

Members seeking further information on the contents of this report are asked to contact Mary Anne Robb, Section Manager, on 01236 632667.