

West Dunbartonshire Council

SST (Compensation for Improvements) Regulations 2002

The Right to Compensation for Improvements Scheme (2002):

Please read these guidance notes with care to avoid unnecessary delays in processing.

The government updated its 1994 legislation in 2002 to ensure Tenants who improve their homes with our express permission do not lose out financially if they leave the improvements behind when they move on to another property.

There are Seventeen types of improvement which qualify under this scheme. Each improvement is assumed to last for a stated number of "useful" years (Notional Life).

Improvement Useful years:

1) Install a bath or shower.	12
2) Install cavity wall insulation.	20
3) Install Sound Insulation.	20
4) Install Double Glazing, external window replacement or secondary Glazing.	20
5) Install Draught proofing of external doors or windows.	8
6) Install Insulation to pipes, water tank or cylinder.	10
7) Install Mechanical Ventilation to a Kitchen or Bathroom.	7
8) Install a Kitchen sink	10
9) Install Loft insulation	20
10) Rewiring, Installing power or lighting fixtures or other electrical fixtures including mains wired smoke detectors.	15
11) Install Security measures other than burglar alarm systems.	10
12) Install Space or water heating facilities includes Central Heating systems any fuel (gas, electric & solid fuel).	12
13) Install Storage cupboards in the bathroom or the kitchen.	10
14) Install Thermostatic radiator valves	7
15) Install Wash hand basin	12
16) Install Watercloset (WC) complete.	12
17) Install work surfaces for food preparation (worktops).	10

Exclusions to payment:

- If the compensation due is less than £100.00 we may not re-imburse you.
- If we repossess your home under specific circumstances.
- You have purchased under the Right to Buy Scheme.
- You have transferred tenancy to someone in the same house by the same landlord.
- Your house has been transferred to another Landlord.
- We have paid you for the work already.
- Compensation paid will not exceed £4,000.00 for any one improvement

We cannot pay you for the following:

- Your own labour if any used in the work, Professional Fees to Architects for plans, advice e.g. Building Control or Planning Fees.

Proof of your payment for the works:

We expect you to produce receipts for the work as part of the proof of your claim.

Can I claim Compensation?

To be able to claim compensation you must be able to answer YES to all of the following questions:

(We encourage you to apply if you are unsure)

- 1) Did the improvement start after 1st April 1994.
- 2) Did I pay for the work myself?
- 3) Can I produce the receipts for the payments for the work?
- 4) Did I have permission from the Landlord for the works (as stated in the tenancy agreement)?

As a general note:

Use only established reputable Contractors whose address you know for any improvement works.

Contractors who will work to a good standard which with due care will last.

Personal recommendations from people you know who have had similar work done are often the best way to select a Contractor for your job.

Had you taken over the Tenancy from the person who did pay for the improvement such as a Parent or one half of a previously joint tenancy? You may still be able to claim.

How much to pay you:

Working Out the Compensation Due:

We work out the compensation due as a fraction of the initial purchase price [Less any Grant paid at the time] divided by the number of useful years for the improvement, the balance multiplied by the number of those useful years left since you carried out the improvement.

Example:

If your improvement was worth £2000.00 when installed, had a useful life of 15 years and you moved out 7 years after you installed it you would be entitled to compensation of £1066.67p for the 8 remaining useful years left.

Assessments:

A Building Services Officer will make a home visit to assess the following points:

- Was the original cost excessive
- Is the quality at least as good as we (the Authority) could have done it
- What is the current state of the improvement
- Was it installed to any Industry Standards applicable to that particular improvement
- Is the improvement well maintained

Adjustments plus or minus can be made based on the above which you will have explained to you from the Regulation referring to works of far higher standard in excess of regulation requirement or even slightly less than standard but still within regulation requirements.

Offers:

- If you are due compensation we will calculate it for you, you will be given a breakdown of how we arrived at all figures
- We will make you an offer at this stage
- You must write to confirm you accept the offer made or that you wish to appeal the offer within 28 days of getting the offer.

Payments Made:

We first apply any sum due to you to any debt you owe to West Dunbartonshire council, the remainder will be paid to you.

Note: If you are a joint tenant, any compensation is divided equally between the parties to the joint Tenancy.

Appeals over our decision:

- If you disagree with our decision you must write to us within 28 Days of receiving the compensation offer details. Your appeal will be reviewed by someone; (a Surveyor or Valuer) who had no part in the original calculation or consideration of details who will be appointed by us to be impartial. During that appeal you will have the opportunity to state your case or have someone accompany you to assist you in making your case to the person or persons considering your appeal.
- Appeals can be heard up to the Sheriff where required.
- In all cases the Authority will seek to be seen to be fair and reasonable in it's assessments.

Making Your Claim:

If you would like to make a claim under this legislation you must write to us up to 28 Days before you leave the house (the tenancy ends) or up to 21 days after you leave the house (the tenancy ends). It is best to contact us before you leave if at all possible in order that you can answer any questions we may have and to inspect the improvements.

We must in all cases respond to your claim within 28 Days of getting it.

You must include all the information stated above and copies of all receipts and certificates as appropriate to the improvement. We will require to see and copy the original receipts but we will contact you at the appropriate time for them.

Please keep copies of everything you send to us for your own reference.

Further Information:

Should you have any questions prior to making your claim please contact the Repair Centre during office hours on 0800-073-8708.