Justice Committee

Inquiry into the effectiveness of the provisions in the Title Conditions (Scotland) Act 2003

Written submission from Milton of Leys Residents Association

I have been recently working with Mary Scanlon in relation to Greenbelt’s management of Milton of Leys in Inverness and the legality of the arrangement in respect of the TCSA.

I did not realise that you [John Finnie] were a member of the justice committee, or that the committee were looking into the effectiveness of the TCSA in terms of open space management.

I thought you would be interested in this particular situation as it is happening now in your back yard.

To condense a complicated picture we have a situation whereby Greenbelt are to take title of the common open areas and manage them in perpetuity.

In my mind there can be no greater example of a monopoly burden than this, and you will no doubt be aware that a monopoly burden contravenes the TCSA that you are currently looking into.

To exacerbate this “. . . . . (Builders)” are continuing to sell homes even now on a title deed dated 1999. As this predates the TCSA they are effectively and possibly legally flouting the legislation that protects homeowners from exploitation.

It may be too late for our written evidence to be considered, however I hope that if you are aware of the situation, you may, along with Mary, help us in rearranging this horrible situation we find ourselves in.

It cannot fall on homeowners to foot a bill of in excess of 10k to challenge a burden they had no say in putting in place.

Gav Norton
Chair
Milton of Leys Residents Association
8 March 2013