

# BURNTBROOM RESIDENTS ASSOCIATION - Minute of EGM

## 16 June 2020 and further update

Attended by: Gordon Shaw; Lesley Donaldson; Ian Donaldson, Beverly Gibson; Stella Fraioli, Stewart McLure & Steven Ward
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1	Apologies	None
2	Minute of Previous Meeting	This was an EGM and as such only the emergency business was discussed
3	Action Points AOCB	<p>1. The committee were approached re a retaining wall structure that was built on common ground at the rear of Greentree Drive. The committee discussed that the resident should be approached to confirm if the structure was permanent or not. The committee would also ascertain the resident's intention to repair any damage to the common ground that has been caused during the building of said wall <b>Action Ian</b></p> <p>2. The committee discussed the options available in the event of the structure being permanent and agreed that some legal advice would have to be taken <b>Action Gordon</b></p> <p><b><u>Further Update to 24/6/20</u></b></p> <p>Advice from solicitors Holmes &amp; McKillop is that we can take the resident of Greentree Drive to court as a litigation matter over the unauthorised building of the retaining wall but that this would most probably incur a cost to the residents of ~£4000 or £5000 and that in his experience it would be <b><u>MOST LIKELY</u></b> that it would result in the Sheriff coming down on the side of the resident as the cost for him to remove and redo the wall into the land of his premises would be hugely disproportionate to what the land is worth which is ~£50m2. The area in question is ~15m2 so therefore would have a value of £750</p> <p>On this basis the committee went to Glasgow City Council to seek assurance that the wall was safe and fit for purpose- which they have confirmed at the moment to be as far as they can see but that they will obtain a copy of the engineer's report from the resident in due course. The committee are now satisfied that if no report is submitted etc that this is now a matter between Glasgow City Council and the resident.</p> <p>Also on the basis that we would lose any litigation case the committee were left with a couple of options on how best to proceed in the interest of the estate and the residents as follows:</p>

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		<ol style="list-style-type: none"><li>1. We could engage the services of a solicitor &amp; Sheriff Officers etc and serve a charge notice on the property and repair any damage to the common ground ourselves or</li><li>2. The resident pays to repair any damage to common ground and no charge notice is sought or served.</li></ol> <p>The committee decided that option 2 was the obvious choice as this would mean no cost to the residents and given the structure would have to remain it would be better at the very least to have any damaged area repaired.</p> <p>The resident was asked to put their intentions in writing on an email with a proposed date for the repair to the damaged areas to be completed.</p> <p>The solicitor also advised that this situation did not set a precedent regarding others unilaterally building on the common land. The specific circumstances here, which related to a structural need to reinforce the garden, were unique and did not allow for others to use this as a cause for enclosing common land within their grounds.</p>
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