



Edinburgh Care Forum
Care Advice Scotland



What to consider when managing someone else's property A Legal & Practical Guide

Managing someone else's property is a significant responsibility and often an emotional one. With the right guidance and support, we can help you to navigate the process smoothly.

Managing a Property

The key practical considerations are:

- Make sure that the property is secure and you know who has access. If necessary, change the locks.
- Update all insurance policies.
- Make sure the title deeds are stored safely and securely.
- Update all utility providers, factors and any other organisation involved with the property.

Executors and Attorneys have duties and responsibilities placed on them, so it is always helpful to take legal advice. [Our forum member Gillian Hyams and her team at Gillespie Macandrew specialises in this work and can provide expert guidance.](#)

Letting the Property

If the property is let, legal and regulatory requirements must be met. A letting agent can help ensure compliance and guide you through the process, including giving notice to tenants if selling. If the owner has moved out, putting the property on the rental market can generate valuable income, but you must check if you have the legal authority to do so. Due to the strict regulations, professional advice is essential.

A good letting agent will help to alleviate the pressure by acting as an intermediary between you and the tenant, advise on the rental value of the property, and will find the right tenants. [Our forum member Laura Chapman has more considerations here.](#)

Unoccupied Properties

If the property is empty, inform the insurers immediately. Some policies may not cover unoccupied homes, especially those with valuable contents. Insurers typically require:

- Regular property inspections with records kept
- Water drained down
- Heating maintained at a set level

[Our member Alexandra Richards and her experienced team can guide you along the way.](#)

Our members...





Managing a property from a distance

If distance or time prevent you from meeting these requirements or there is a gap before the decision is made to let or sell, professional property management may be necessary. Forum member Diarmid has excellent experience in this area and looks after properties for many clients from overseas or while they still live in the property, and on behalf of Trustees and Executries.

Clearing a home

You don't have to do this alone. Forum member John Dunton specialises in helping families to clear properties ready for sale, to ensure sentimental items are kept while other belongings are sold, donated, or disposed of respectfully. It is also important to check the Will for specific bequests that may be gifted or set aside.

Selling the Property

The legal process varies depending on your role:

- **Guardians:** May need approval from the Office of the Public Guardian before selling.
- **Attorneys/Trustees:** Must check the Power of Attorney or Trust Deed to confirm they have authority to sell.
- **Executors** cannot complete a sale until Confirmation is granted by the Court. Confirmation gives legal authority to the Executors to deal with the assets in the estate. It can take a number of months to obtain Confirmation. Marketing the property before obtaining Confirmation can lead to financial risk.

Consulting a solicitor is highly recommended in any of the above cases and Gillespie Macandrew is happy to help.

An experienced estate agent familiar with the local market is crucial. Edinburgh, for example, operates differently from other parts of Scotland. A good agent will advise on valuations, surveys, and property presentation. It is not usually the Executor or Attorney's role to improve the property before the sale (by painting or installing a new bathroom, for example) but a good estate agent can provide practical advice on how to show the property, and will manage viewings and negotiations on your behalf to achieve the best selling price. Speak to our forum member David Law of Strutt and Parker for more advice.

After selling the property

Once sold, decisions must be made about sale proceeds. Financial planning advice is advisable. Our forum member Martha Martindale of PW & Partners specialises in providing expert financial advice around planning for long term care and inheritance tax, and would be happy to meet with you to discuss the options.

Tax Considerations

Whether renting or selling the property there can be significant tax consequences.

Rental income: Subject to income tax, reported via self-assessment, and payable the following January.

Capital Gains Tax: May be due upon sale, with returns and payments required within 60 days. Early tax advice can help reduce capital gains tax before the missives are concluded.

Advice from a tax expert is important and our forum member Kirstin is happy to help.