

RESIDENTIAL PROPERTY ALERT OCTOBER 2010



0207 566 4100

In this Alert we provide some advice to landlord clients who hold or manage flats let to tenants on long lease terms. There are many traps that landlords can fall into when managing such property and they can be both costly and criminal. Three such areas are explored below although you should contact us for further advice on managing buildings effectively.

Fire Risk Assessment

The Regulatory Reform (Fire Safety) Order 2005 puts landlords under an obligation to obtain a Fire Risk Assessment in respect of the non-domestic parts of a building. This would therefore include staircases, hallways, landings and entrances used in common by tenants of a building. The Order makes the failure to carry out such an assessment a criminal offence and therefore it is imperative that landlords who haven't already commissioned an assessment do so without delay.

Asbestos Risk Assessment

The Control of Asbestos Regulations 2006 put a duty on landlords to commission an assessment as to whether there is asbestos in the non-domestic parts of a building, and if so whether it should be removed. Again the Regulations make the failure to carry out such an assessment a criminal offence and so those who have not done so already should arrange this urgently.

Service Charge Demands

All demands for service charges must be in writing and must contain the landlord's name and address. The service charge is not payable until this information is given and if the landlord's address is outside England or Wales, the demand must contain an address in England or Wales at which notices may be served by the leaseholder. Landlords must issue the demand within 18 months of incurring the cost. If the demand is provided later than this, the landlord cannot recover the costs at all, unless a notice is served during the 18 months stating that costs have been incurred and that the tenant will be required to contribute to them by payment of a service charge. A demand for service charge must also be accompanied by a formal summary of rights and obligations whose content and form is prescribed by Parliament.

We can recommend companies who can carry out asbestos and fire risk assessments for you and can provide the prescribed wording to accompany service charge demands should you not already have this.

If you would like further information on our services and charges please contact our corporate lettings team at Wedlake Saint either:

- Duncan Taylor 0207 566 4106
duncant@wedlakesaint.co.uk
- Denielle Rickman on 0207 566 4116
denieller@wedlakesaint.co.uk

