

Hebble Wharf Residents & Owners Association

Minutes of committee meeting 20th December 2017

Present: Andrew Wright, John Hodgkins, John Corr, Norah Keany-Corr & Yvonne Berns

Apologies: Imran Chouglay

1 Notice of Intention to carry out emergency works (DWFM Letter)

Discussion of the Notice and accompanying Leak Inspection report concluded that:

- Rainwater ducting and roofing would not be covered by any residual NHBC warranty
- Replacement / repair of external ducting unlikely to be covered by building insurance and leaseholders would ultimately be responsible for meeting costs.
- Any recourse against builder would be a matter for the landlord to pursue (not the leaseholders) and unless it was demonstrated that defects were present at the time of completion, there was little potential for a claim.
- Suggestion that downpipe size was inadequate would be a matter for landlord to address as part of the repair. It was, however, doubtful whether this is a contributory factor to the water leaks, which often occur many hours after rainfall.

Is it reasonable that this repair is classed as Emergency Works?

- The water ingress problem at 2xx was first reported almost two years ago, and was preceded by similar incidents in at least three other apartments. Wooden flooring has previously been replaced under insurance in at least two apartments following rainwater damage. Water ingress through an external window frame into 3xx was noted at the time of purchase (November 2015), and subsequently reported to LIV in Summer 2016. Several attempts to identify the source of the leak do not appear to have resolved the problem. The issue is neither new, nor unique to this location.
- The external cladding was removed, together with a quantity of wall insulation, ahead of the inspection by Watts & Co on 12 October 2017 – two months before the Notice of Emergency Works was issued. At the time of the inspection, all rainwater pipework and ducting was exposed, yet no action was taken to effect a temporary repair and reinstatement. The fact that the problem has existed for more than a year does not suggest this can be properly deemed to be an emergency.
- However, since the removal of the cladding and insulation almost three months ago there has been no rectification of the water leak and no attempt to reinstate insulation to the outside wall of 2xx, resulting in further deterioration of the walls and a potential environmental health hazard for the occupant. The emergency has, in effect, been created by the landlord's failure to act in a more timely manner.

- The committee supported the need to effect repairs and reinstatement to the external wall of 2xx as Emergency Works but believes that this should be addressed as an interim repair at lower cost, given the evidence that exists of rainwater ingress on a wider scale in other parts of the building.

The committee resolved to write to the First Tier Tribunal (Property Chamber) in response to the Emergency Works Notice, citing the following:

1. That the scale of repair envisaged in the Emergency Works Notice cannot be considered an emergency given that the problem was first reported and investigated more than a year ago;
2. That the need for such works to be undertaken as Emergency Works results, at least in part, from the landlord's delay in addressing the source of the problem in a timely manner.
3. That an interim repair is necessary to the external pipework and insulation of 2xx, and that repair should be able to be completed urgently and at reasonable cost.
4. The landlord has been aware for at least two years of rainwater leakage into the building at a number of different locations yet (as confirmed by the Watts report) there has been no comprehensive inspection carried out to date.
5. We believe that the proposed emergency works to effect a full and final repair to the elevation will result in higher costs to tenants (leaseholders) in the longer term if the repairs are not carried out as part of a comprehensive action plan for rectification of water leaks over the whole building.
6. A full and comprehensive investigation of rainwater ingress should therefore be progressed as a matter of urgency before any final repair to the elevation is completed.
7. The landlord should be required to provide the tenants (leaseholders) with details of any proposed works and to demonstrate that detailed and competitive estimates have been obtained for those works.
8. Whereas the Hebble Wharf Residents and Owners Association currently has fewer than the requisite 60% of tenants (leaseholders) in its membership to obtain formal ARMA recognition, the Association is working towards that aim and currently at least 50% of leaseholders are members and will be invited to endorse this submission by the Association.
9. We therefore ask that the Association is treated as a formal consultee, being a body of which at least 50% of tenants (leaseholders) in the block are members.

Resolved that JCH would draft a submission to the Tribunal along these lines for electronic endorsement (via the website) by members of the Association.

2 Security of the Block

Concern was expressed at the length of time that Hebble Wharf had been left unsecured pending repairs to the front door security system. An urgent repair to the door itself was needed after the upper hinge detached and it was suggested by LIV that the door may have been forced. NKC to contact Gavin Mearns to ask what CCTV footage was obtained in this regard and to request an update on future CCTV monitoring arrangements.

3 Report of Anti-Social Behaviour

A tenant reported that they had been subjected over an extended period to night-time disturbance by noise in an adjoining apartment caused by tenants and frequent visitors coming and going during night-time hours. The problem had been reported to Linley & Simpson (as landlord's agents) but the situation remained unresolved. It was unclear whether the appropriate procedure had been followed for reporting the disturbance and NKC would discuss with Gavin Mearns what guidance has (or could) be put in place.

4 Membership Status

Membership currently stood at just over 50% of leaseholders and further efforts would be made to establish the requisite 60% necessary to secure ARMA Recognition.

5 Outstanding Works

It was noted that most of the electrical repairs had now been completed, but a further walk-around and update would be carried out in the new year.

6 Next meeting

Since the AGM would be several months away, it was agreed that a General Meeting be called once a response has been received on the matter of the Emergency Works Notice

7 Any other business

Relationship with commercial neighbours

It was agreed that we should seek to establish informal dialogue with our commercial neighbours (HH Global, Spectrum Health and Rutland Mills developers (City & Provincial Properties/Tileyard Studios/Hepworth Gallery) with a view to building long-term relationship through which matters of common interest can be discussed. **NKC to progress.**