

PUBLIC NOTE

Barbican Estate Office (BEO) Breach of Lease Protocol

(specifically, non-carpeted floors and animals)

March 2024

Stage 1

Resident complains and BEO to ascertain if the resident is a Long Leaseholder, Short Leaseholder or Subtenant. If Subtenant and not registered, then BEO to refer them to their Landlord. BEO will also engage with landlord with regard to registering of subtenant.

BEO to begin a log.

Stage 2

BEO to establish if there is an actual breach of lease within 10 working days e.g. non-carpeted floor or animal present. To telephone first.

Stage 2.1

If the response is "No, I don't have a wooden floor/animal", then BEO to arrange a visit to confirm. The aim is to complete this within 10 working days.

Stage 2.2

If the response is "Yes, I do have a wooden floor/animal", then no visit required.

Stage 3

BEO to determine if there is a breach and if it is causing a nuisance.

If a breach is established by BEO, either by admission or inspection, then BEO to arrange a "Rent Stop" on the Leaseholder's service charge account i.e. the City is neither to demand or accept rent from the Leaseholder until the issue has been resolved.

BEO to update complainant.

Stage 4

If a breach is established and the breach is causing a nuisance, then BEO is to inform Long Leaseholder that they will be receiving a letter within 10 working days from Comptroller and City Solicitor (C&CS) asking the Leaseholder to rectify the breach.

Stage 5

C&CS to send a letter to the Leaseholder requiring the breach to be remedied.

Stage 6

Within 15 working days of instruction by BEO, letter to be sent by C&CS to flat, external address (if there is one), Managing Agent (if there is one) and BEO (for House File).

Stage 6.1

- If within 20 working days from date of C&CS letter the Leaseholder informs C&CS that breach has been rectified, then C&CS instruct BEO to organise compliance inspection within 5 working days to confirm. BEO confirm result of inspection to C&CS.

- If 20 working days pass from date of C&CS letter and:

- i. C&CS does not receive a confirmation from the Long Leaseholder that the breach has been rectified, or

- ii. Long Leaseholder states they have not rectified the breach, then

- C&CS will advise BEO.
 - C&CS to advise on enforcement.
 - BEO to consider rent stop and reinstate if no action is taken.

Stage 6.2

If C&CS advise that enforcement action should be taken, C&S will start the process.

- The C&CS enforcement process includes but not limited to:

- i. Informing the Leaseholder's mortgage company of their breach of lease; and/or

- ii. Forfeiture Notice and/or proceedings; and/or

- iii Declarative, Injunctive, or other relief.

Stage 7

C&CS advises BEO of outcome of enforcement action.

Stage 8

If at any time during enforcement process, the Leaseholder advises C&CS that the breach has been remedied, then the BEO is to organise a compliance inspection within 5 working days. BEO will confirm result of inspection to C&CS.

Stage 9

BEO to update complainant and their assessments.

Potentially Vexatious Complainants

If BEO considers a complaint to be a "potentially vexatious complaint", they will be logged, and a brief report must be submitted to Assistant Director of Barbican Residential Estate (or Resident Services Manager, in their absence) for decision as to whether to proceed or not.