

Barbican Estate Office (BEO) Breach of Lease Protocol

(specifically, non-carpeted floors and animals)

March 2018

Stage 1

Resident complains. 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 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 2A

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 2B

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

Stage 3

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.

Stage 4

BEO to update complainant

Stage 5

If a breach is established by BEO, 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 6

If a breach is established by BEO, then BEO to instruct C&CS (Mr Paul Chadha, Chief Lawyer, Litigation Team) to send a letter to the Leaseholder requiring the breach to be remedied.

Stage 7

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 7a

- 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,
 - ii. Long Leaseholder states they have not rectified the breach, then C&CS to begin the enforcement process.

Stage 7b

- BEO to update complainant.
- The C&CS enforcement process will be in three stages:
 - i. Before a section 146 notice can be issued, the City will require a determination of the breach by the court. C&CS will apply to the court for a determination of the breach on instructions from the BEO,
 - ii. If the court determines that a breach has occurred, then the City can serve a section 146 notice on the Leaseholder requiring the breach to be remedied. C&CS will serve a section 146 notice on instructions from the BEO,
 - iii. If the breach is not remedied, then C&CS can issue proceedings for the forfeiture of the lease. C&CS will issue forfeiture proceedings on instructions from the BEO.

Stage 8

C&CS advises BEO of outcome of forfeiture proceedings.

Stage 9

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 10

BEO to update complainant.

Potentially Vexatious Complainants

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

Examples of potentially vexatious complaints include (but are not limited to): -

- Complaints about a wooden floor not directly affecting them. Complaints will only be heard from neighbours directly above, below or adjacent
- Complaints about a wooden floor seen in an Estate Agent’s window or other publication
- Complaints about seeing animal products (e.g. cat litter) being delivered to the Car Park Concierge
- Complaints about seeing an animal on the podium or entering a block.