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## QUESTION OF THE WEEK

**Q** I own one flat in a block of 30. Each leaseholder has a share of the freehold. One resident leaseholder stopped paying her service charge four years ago. Our managing agents have written to her often, but she ignores their requests, saying she has no money (she is unemployed). The other leaseholders are resentful: we all have to pay more to cover her. The service charge includes heating and hot water, which the non-payer continues to receive.

If the non-payer had a mortgage, she could be reported to the lender, but she owns the flat outright. At our AGM, the managing agents said they were reluctant to take action as it could cost "tens of thousands of pounds" to evict her and repossess the flat. It's a breach of the lease, but we're stuck. What can we do?

Phil, via email

**A** The management company has a number of options to recover service charge arrears, but if you wish to represent yourselves, apply to the First-tier Tribunal for a determination that the service charges are outstanding. Unless the leasees has admitted the charges in writing, this is a necessary first step before you can pursue forfeiture (termination) of the lease. It is unlikely you will ever recover possession of a flat held on a valuable long lease, but the threat of forfeiture is a good way to motivate the lessee to pay outstanding charges.

Ideally, you should hire a solicitor or direct-access barrister. But if you must go it alone, start with the Leasehold Advisory Service ([leaseadvice.org](http://leaseadvice.org)), which provides free initial legal advice about lease disputes. Make sure all necessary steps have been taken to make the charges lawfully due before taking any action, and that nothing is done to waive or lose the right to forfeit. Consider whether the charges have been demanded strictly in

accordance with the lease: a summary of tenants' rights and obligations has been served; the statutory consultation requirements have been met (if applicable); and notice of the landlord's name and address has been provided, in accordance with sections 47 and 48 of the Landlord and Tenant Act 1987.

Once you are sure the relevant notices have been served, visit [gov.uk/housing-tribunals](http://gov.uk/housing-tribunals) for guidance and the application form (Leasehold 3). Be prepared to pay a fee and attend a hearing to present your case. If you secure a final determination and the charges remain unpaid, you can start the process for seeking forfeiture of the lease. Engage a solicitor to ensure that the forfeiture notice and any court papers are drafted properly.

Ed Cracknell is a senior associate at Russell-Cooke Solicitors, [russell-cooke.co.uk](http://russell-cooke.co.uk)



Do you need help from one of our experts? Email your questions to [homehelp@Sunday-times.co.uk](mailto:homehelp@Sunday-times.co.uk). Advice is given without responsibility.

## TOP TIPS

Tackle that laundry pile with our top-rated steam iron.

**WINNER**  
Morphy Richards Eco Comfigrip Ionic Steam Iron 301011  
88/100

**£80; amazon.co.uk**  
Performed well: accurate temperatures, no dripping. Tank lasts for more than 20 minutes; auto cut-off boost safety.

**RUNNER-UP**  
Philips Perfectcare Azur GC4914  
87/100

**£100; philips.co.uk**  
Lightweight iron, great all-rounder, removed creases with little effort or dripping. Consistent temperature, which is self-adjusting.

**BUDGET BUY**  
Philips EasySpeed GC2040/20 steam iron  
85/100

**£20; currys.co.uk**  
Heats quickly and accurately, but no auto shut-off.

■ [goodhousekeeping.co.uk/guide](http://goodhousekeeping.co.uk/guide)

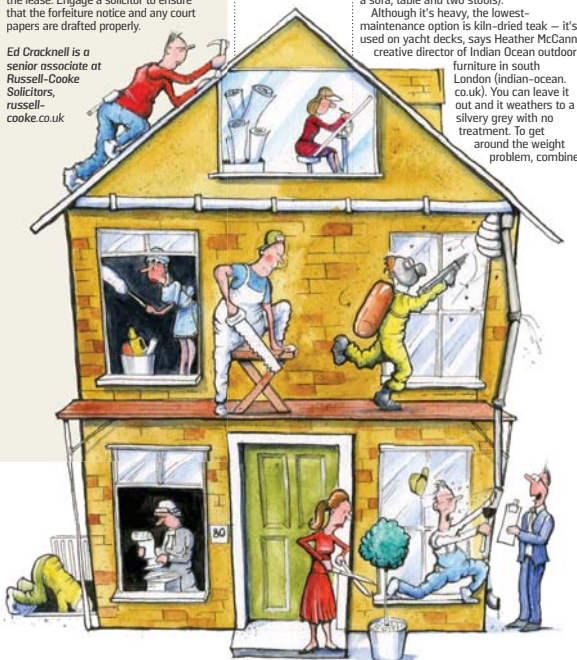


Illustration: David Newman

# Home help

Whether you're stuck paying a fellow leaseholder's service charge or angling for an invitation to the neighbours' pool, our experts are here to offer advice

**Q** We live on the south coast, 200yd from the sea, and need a garden table and chairs. Our Kettler sets have rusted, but plastic and woven furniture blows over in the wind. We don't want to have to cover or stack the furniture: it has to be ready to sit on for a quick coffee (happy to get a cushion from the garage), yet big enough for when family visit. What do you suggest?

Ruby de Claire, via email

**A** Living next to the sea, with moisture and salt, means that rust may always be an issue on a metal set, says Caroline Harvey, category manager at Weyvale Garden Centres ([weyvalengardencentres.co.uk](http://weyvalengardencentres.co.uk)). She suggests: the Syn range the frame is aluminium so it won't rust, and the synthetic weave won't deteriorate. The sturdy design means it will stand up to the wind, but it's not too cumbersome if you need to move it. The dining set (£1,899) has six high-back chairs with cushions, and an oval table. The casual lounge dining set (£1,899) has a table, a two-seater sofa, two armchairs and two stools.

Salt spray corrodes metal, and woven or rattan ranges can be too light, agrees Nicola Gidlow, buyer of outdoor furniture for

materials and use synthetic wicker chairs with a teak table (the round Henley is £1,290). The table will stay in place and the chairs can easily be moved under it. The Carlisle carver chair (£545) is made of an all-weather weave that shouldn't blow over.

**Q** Our neighbours have a new swimming pool. In the hot weather, they splashed around joyfully, while my children and I sat sweating in our garden, but they never invited us for a dip. Our kids are of similar ages. Would it be wrong to drop a hint? Isn't there an etiquette for pool-owners to invite the neighbours?

NG, via email

**A** I spy a little bit of jealousy. There isn't really an etiquette for pool-owners to invite neighbours over, that's more what those who live next door to pools have decreed. It's their pool and they've spent their own money on it. One way to gain access to their chlorinated Elysium might be to invite their children round to yours for a playdate or sleeperover – next door should then return the favour. If this doesn't work, give up, or, if you've no shame, start asking questions about the pool: "Are you enjoying it?", "Do you use it for exercise or recreation?", "Is it much work to keep clean?", "Is it heated?", "How does it feel?", "Are you now very popular with your friends?". You get the idea?

William Hanson is a leading etiquette coach; [williamhanson.co.uk](http://williamhanson.co.uk)

**Q** It may be summer, but I'm thinking about winter, when our four-bedroom pre-1920s detached house is freezing. Without cavity walls and with the heating constantly on, we experience damp on most windows/windowills and mould in the corners of some rooms. I have read that the air needs cooling and to circulate. How do I achieve this without opening windows in the winter months?

Simon Corbett, via email

**A** Condensation is caused by water-laden warm air meeting cold surfaces, such as windows or uninsulated walls. It is a common problem, and if you are not in a position to insulate the walls in the rooms affected and upgrade the windows to double glazed, you have two other courses of action that will help, but may not completely remove the issue. First, I would suggest installing a humidity-controlled extractor fan in the affected area. This will help to remove the damp air, as it automatically turns on and off as the humidity in the room rises or falls. The other option is to try to keep the heating in the room at a constant temperature and as low as you can stand, as temperature fluctuations will only worsen the problem.

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