

Who's responsible for those repairs?

WHEN living in a residential block, repairs can be a sensitive issue and it takes an understanding of the lease to know what really remains the responsibility of each party.

There are always emergency circumstances whereby the management or freehold company may call out a contractor but this does not prevent the item later being recharged to the lessee should they bear the legal responsibility for the repair item.

Below is a guide which covers the most common repair items. Your specific lease will set out the responsibilities for your block.

● **General repairs** - General maintenance repairs are the responsibility of the freeholder who has rights of recovery from the leaseholder if the repairs form part of valid service charge expenditure (there should be a schedule in the lease which states what is valid service charge expenditure and what is not). If the repairs occur within the first one or two years of the build date then the developer may be responsible by virtue of his Zurich or NHBC guarantee or other building warranty.

● **Waste pipes and overflows** - Repairs to shared pipework is the responsibility of the freeholder or management company with lessee contributing to repairs via their service charge contributions. If pipework serves just one lessee's flat, then the maintenance and repair of the system is the responsibility of the lessee.

● **Roof repair** - There is no simple rule as to who is liable for repairing a roof area. Repairs to the

main roof structure are the responsibility of the freeholder or management company but the responsibility for balconies and terraces will depend on whether the area is 'demised to a particular leaseholder' and therefore by virtue of it being 'demised' the maintenance and repair of it would fall under the leaseholders responsibility.

● **Leaks from bath waste area** - In most cases it is the flat owner's responsibility. A good lease will reserve the rights for the freeholder or management company to force entry into a flat in case of an emergency and then recharge the cost back to the flat owner.

● **Toilet overflow pipe** - Responsibility of repairs to a blocked or leaking toilet overflow pipe depends on the cause of the leak. The principle is that any communal pipe or drainage channel is a service charge responsibility and any pipe or service installation (WC) within a property is the responsibility of the property owner.

● **Boiler overflow pipe** - Repairs to communal systems are the responsibility of the freeholder or management company and if the system serves just one flat then the maintenance and repair is the responsibility of the flat owner.

● **Central heating** - Repairs to the central heating system are the responsibility of the leaseholder if the system is located in their flat. If the system is for a communal area of the block then the responsibility lies with the freeholder or management company.

● **Water mains pipe** - Liability for

repairs to a leaking water mains pipe depends on where in the mains the leak arises. Leaks within a flat or an internal supply pipe are the leaseholder's responsibility. Leaks after the first stop cock into the building but before the water mains reach any particular flat are the freeholder's or management company's responsibility recoverable via service charge contributions.

● **Gas** - Repairs to appliances are the responsibility of the leaseholder if the appliance is located in their flat. If the appliance is a communal system, then the responsibility lies with the freeholder or management company.

● **Broken glass** - Broken glass to the common parts windows or common entrance door is the freeholder or management company's responsibility. If the broken glass is to a flats window then it is the lessee's responsibility.

● **Gates malfunction** - If the exterior gates are in need of repair then the responsibility lies with the freeholder or management company.

● **Electricity** - Repairs to electrical systems are the responsibility of the leaseholder if the system is located in the flat. Any repairs to communal electrics are the responsibility of the freeholder or management company.

If you are unsure of any issues affecting your block, your specific lease tells you who is responsible for repairing various parts of the block and your property. For more information visit:
www.leaseholdersupport.co.uk