

# Understanding who is liable for repairs in residential block

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

Accepting repairs that really lie with the leaseholder as a service charge item is unfair on other lessees.

Therefore to help in this matter [www.leaseholdersupport.co.uk](http://www.leaseholdersupport.co.uk) explains who should pay for repairs.

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.

A common example of this would be perhaps a repair to an entry phone which turns out to be a handset fault (lessee's responsibility) rather than a system or wiring fault (management or freehold company responsibility).

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

General maintenance repairs are the responsibility of the freeholder.

He 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.

Repairs to shared pipework is the responsibility of the freeholder or management company with lessee's 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.

There is no simple rule as to who is liable for repairing a roof area.

Repairs to the main roof structure is the responsibility of the freeholder or management company.

The responsibility for balconies and terraces will depend on whether the balcony or terrace 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.

For 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.

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.

Repairs to communal systems are the responsibility of the freeholder or management company.

See [www.leaseholdersupport.co.uk](http://www.leaseholdersupport.co.uk) for more details.