

You never told me that...!

Chartered building surveyor *John Byers* looks at some of the issues to be considered before buying a flat

In the course of my professional work I frequently come across clients who have sadly bought a flat with problems. It is a constant source of surprise to me how little advice people take when considering one of the most important life style and investment choices they are ever likely to make.



cost of those can be fairly administered and apportioned.

BUILDING CONDITION

Buildings are complex and there is a potential for defects to arise. Obviously this is more likely to be the case in older buildings but I have seen many new build flats and conversions or refurbishments that contain defects. Many extremely high class, expensive flats incorporate basic defects and levels of poor workmanship that would astonish you.

When making such an expensive investment decision it is essential to take good advice and you should think very seriously about commissioning a structural survey from a chartered building surveyor. This will advise you on the nature of construction and any defects within the individual flat and within the block as a whole (as you would normally adopt a service charge liability for external and communal areas as well).

In my experience many purchasers could save themselves thousands of pounds of expensive and unnecessary repairs had they taken good advice before buying their property.

MANAGEMENT

Good management is vital and potential purchasers would be well advised to satisfy themselves, so far as possible, that the property is suitably managed and that the necessary administrative and maintenance procedures are being followed. It is wise to check previous years' service charge accounts to understand the levels of service charge normally incurred and request budgets for future expenditure.

A good managing agent will have properly budgeted and planned expenditure for the future which will include not only normal year-to-year items such as cleaning, insurance and repairs but also more substantial periodic maintenance work such as major roof repairs, redecoration, refurbishment of lifts and so forth. Such items of major expenditure can cause service charges to spike very steeply in particular years and you would be well advised to request details of such expenditure before committing yourself to buy.

YOUR OWN RESEARCH

While some advice is best provided by experts, there are always a few enquiries you can make yourself. Take time to look around the area, look at the block and if possible speak to a director of the management company. Ask about the managing agent's reputation and see what you can find out. Taking the right advice ahead of your purchase could save you thousands of pounds in unnecessary costs and give you considerable peace of mind. ■

John Byers is founding director of LBB Chartered Surveyors

LEASES

First, let's look at leases. On new build and modern flats the form that the leases are drafted in is not often a problem, although many lessees have very little idea how the mechanisms described within the lease (payment of insurance, ground rents, service charges, accounting years) actually operate.

Any potential buyer would be well advised to discuss with their solicitor or surveyor not just the legal nature of the lease terms, but how these will work in practice on a day by day basis.

Occasionally on older blocks, older forms of leases can hide complex legal issues. It is not unusual to come across a lease where the description of the property or apportionment of the service charge is not clearly defined. This can lead to problems accounting properly for service charges. Some leases enable a landlord to charge a management fee (in addition to a managing agent's fee) or give the landlord sweeping powers to make alterations and improvements.

You would want to know (and it is now common practice) that leases take a similar form for all the lessees within the building. Some old leases are not drafted on this basis and individual lessees can end up unfairly prejudiced. It is particularly important to ensure the landlord undertakes to enforce lease obligations on other lessees in the building, so that problems of damage, unlicensed alteration, excessive noise and so forth can be properly managed.

Where buildings share facilities with neighbours (such as communal gardens, car parking, private roads etc) there should be a proper structure of lease obligations in place. That means for each part of the building and estate there is a proper hierarchy of liability with a means to ensure necessary repairs and maintenance are done and that the

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