

SOUTHWARK HOMEOWNER ARBITRATION TRIBUNAL

Date Issued:

The Applicant:

The Respondent:

The Property:

Present

[REDACTED]
The London Borough of Southwark ('the Council')

[REDACTED]
Tim McNally (Chair), Cllr Sandra Rhule, Iris Edwards, Joseph Meethan, Thomas Scutt, Ian Horgan, Paul Murtagh, Cheryl Phillips

This is a final decision of the Arbitration Tribunal on the application made by the Leaseholder in accordance with the rules of the London Borough of Southwark Homeowner Arbitration Rules ('the Rules').

1. The parties attended an arbitration at the Council's offices at 160 Tooley Street on 15 October 2024 at 11AM.
2. The application relates to the condition of a series of 35 stucco archways located on the Pullens Estate. These are those located on Compton Street, Iliffe Street, Penton Place, and Peacock Street.
3. The Applicant said that clauses 4(3) and 4(4) of his lease contained obligations to repair and decorate the pilasters around entrances. He said that it was not reasonable for the work not to have been carried out for about 17 years. Those clauses commit the Council as follows:

4(3) To keep in repair the common parts of the building and any other property over or in respect of which the Lessee has any rights under the First Schedule hereto.

4(4) As often as may be reasonably necessary to paint in a good workmanlike manner with two coats of good quality paint all outside parts of the building usually painted and also all internal common parts of the building usually painted.

- 4.** The estates includes 351 properties in 44 stairways. Nine archways were redecorated as the result of a different arbitration complaint in 2019. Part of a surveyor's report prepared for those purposes and citing terms relevant to the law on housing disrepair was before the Tribunal. It concluded that works needed to be done. This led to the refurbishment of the nine archways which eventually happened in 2021.
- 5.** Leaseholders are said to be roughly 55% of residents. In a recent repairs action day many tenants and leaseholders raised these issues. The properties are also within a conservation area.
- 6.** It was accepted by those present that, subject to a consultation period under section 20 Landlord and Tenant Act 1985, a share of the costs of works could be recharged to leaseholders in the estate.
- 7.** It was also accepted that no works had been conducted on these archways since 2007 and that there was a risk of deterioration.
- 8.** No attempt had been made to quantify the costs of repair, although it was said that general building costs had increased by roughly 50-60%. It was also suggested by ■■■■■■■■■■ that economies of scale may reduce the usefulness of the 2021 final costs of £17,138.46 as a comparator.
- 9.** The Tribunal expressed some concern about the potential for costly legal action from other residents.
- 10.** The Council's position was that there was no funding available to conduct the works and that fire safety issues had been prioritised. It was noted that the leases do not set a strict timeframe in this case.
- 11.** Concerns were also raised that the monthly meetings to discuss repairs issues did not result in works being undertaken.
- 12.** The Council agreed in the hearing to provide the Applicant with a specification of works and schedule of rates for the works done in 2021.

DECISION

13. The Tribunal orders the Council to conduct such works as are necessary to the archways on the Pullens Estate on the following roads in order to ensure that they are in a state of good repair and to subsequently apply two coats of good quality paint to those archways on:

- a. Crampton Street;**
- b. Iliffe Street;**
- c. Penton Place; and**
- d. Peacock Street.**

14. Any works of repair are to be conducted using an appropriate lime plaster stucco rather than concrete.

15. The works ordered in paragraphs 13-14 above shall be completed by 16 June 2025. This deadline allows an appropriate consultation process for service charges.

16. In making this decision the Tribunal has weighed:

- a. The possibility of at least partial recovery of service charges;**
- b. The risks of deterioration and the likely greater costs this could bring;**
- c. The risk of other, significantly costlier litigation using further public funds.**

Panel:

Independent Chair: Tim McNally

Councillor Representative: Sandra Rhule

Leaseholder Representative: Iris Edwards

Independent Legal Adviser: Joseph Meethan