

PRIVATE TENANT

Raw deal for tenants?

There's good and bad news in the Law Commission's reactions to tenants' responses to the law reform consultation paper published in the spring.

As we reported in our Summer issue, the Commission's first report was greeted with dismay by private tenant groups. CFPT expressed our concerns that replacing regulated tenancies created an opportunity for more unscrupulous landlords to

trick elderly tenants into signing away their rights. And could provoke a further round of litigation by rich landlords like Spath Holme looking for loopholes to undermine rent controls.

Spokesperson urges tenants not to reject reforms

Helen Carr of the Law Commission, addressing CFPT's Annual General Meeting at Camden Town Hall on September 24th, said that the

Commission acknowledged regulated tenants' fears and was inclined to leave regulated tenancies untouched. However, she believed that the proposals offered few dangers and could benefit tenants. Ms Carr said the proposals shouldn't be rejected out of hand – as, for example, they would also relieve many tenants of the worry that they could be evicted automatically for rent arrears even if these were caused by delays in

continued on page 3

A convicted killer, but he can still own your home.

Tenants call for licensing as landlord is sentenced.

JULY 2002 SAW THE END OF A 40-YEAR reign of terror by the feared and hated landlord Nicholas van Hoogstraten as an Old Bailey jury found him guilty of the manslaughter of a business associate. The trial and subsequent journalistic investigations have partially uncovered the extent of Hoogstraten's wealth, and the damage inflicted on the communities he preyed upon.

His worth now estimated at between £65 and £200 million, Hoogstraten started a property empire on the South Coast in the early 1960's with savings of £25,000. By 1967 he'd translated that into

ownership of 300 flats in Brighton and Hove. Using aliases and front companies he eventually controlled an empire of 2000 properties that spread into West and North West London – a trail marked by local authorities wasting thousands of man hours trying to enforce repairs orders.

He last surfaced locally in the mid-1990's at a Brent planning meeting about a property he owned via front men (possibly including the murder victim Mohammed Raja). Typically, Hoogstraten became abusive and was ejected. He found such behaviour good for business; it intimidated the tenants



Nicholas van Hoogstraten

he despised. He described them as scum "living in nice houses and paying little for them". In reality, they included many single or widowed women forced to rent because, until the 1970's, mortgages were not often granted to single female applicants.

continued on page 4

Inside this issue ▶▶▶

Reprieve for UWHAs tenants	2
More nurses' homes sell-off	5
Call to limit Right to Buy	5
Advice on Service Charges for Long leaseholders	6-7
News in Brief	8

Reprive for UWHA tenants?

IN THE SUMMER ISSUE OF THE CAMDEN Private Tenant we reported on the proposed sell-off of 57 Fitzjohns Ave and eviction of Assured Shorthold tenants from United Womens Homes Association properties in Camden and Barnet.

Worried tenants had contacted CFPT for help explaining that they had received notices to quit and were facing homelessness. CFPT helped organise the tenants who formed the Women United against Homelessness Association to appeal the evictions. As Assured Shorthold tenants they can be legally evicted at the end of their fixed term given that the landlord follows the correct procedure, but as we pointed out to

UWHA, as social housing providers, the eviction of tenants back into homelessness went against good practice.

The story has received coverage by the Ham & High, and with the intervention of local MPs including Glenda Jackson, UWHA have decided to look again at the tenants' position. Spokeswomen Jacqui Airey said that UWHA had met with almost all of the tenants now. She told CFPT that they will do everything they can to help the tenants find secure permanent accommodation, and are considering offering alternative accommodation from within their own housing stock. She asserts that all but one of the tenants had been made adequately

aware of the nature of their tenancies and that they would eventually be asked to leave. She added that UWHA only had available accommodation in West London and that if the tenants turned down the accommodation UWHA would not be able to help further. The tenancies would be let on an Assured letting basis, so would actually give the tenants greater security than before.

One of the tenants claims that Emmott Close residents have been told they will have the right to return when the refurbishment of those properties is complete, but that this has so far not been backed up in writing. CFPT will continue to watch the situation closely.

It's a Jungle out there

THERE SEEMS TO BE NO END TO THE LENGTHS that those hoping to make a quick buck on our homes will go to. A Planning case in August uncovered the bizarrely named ZZZ company with an office in Finchley but registered offshore in the steamy Central American Republic of Panama. ZZZ owns property in non-tropical Kilburn and is accused by Camden of converting bed and breakfast accommodation in Shoot Up Hill into self-contained flats without planning permission. The company is said to be controlled by three directors, each resident in a different country and none able to speak English. At least that's what

their representative told a Government Planning Inspector recently, explaining that this prevented them from producing affidavits in support of their contention that the property had already been converted to self contained when they bought it in 1997. The Inspector who is examining ZZZ's appeal against Camden's refusal to grant change of use, seemed rather less than convinced by testimony from the developers' estate agents that conversion works were substantially complete in 1997 and that Camden's Notices issued last year were thus invalid.

ZZZ complains that Camden's insistence that the building be restored to its configuration before the conversion, removing separate kitchens and bathrooms, is "wanton and entirely inequitable waste". This overlooks the small matter that Camden has long had a very public policy of pursuing those who try to sneak through profitable conversions of this type which deprive the borough of scarce low cost housing.

Whether the Inspector decides to believe ZZZ or not, the very name begs the question of whether this company is just the tip of an offshore iceberg.

Dumb Greed

For more than two years Parliament Hill residents have been plagued by unauthorised building works to a four-storey house in South Hill Park.

Tenants at the property alleged that the owner (known to them only as Mr Schlerer) had removed parts of the roof and blocked drains in order to drive them out. Then, without seeking planning consent, he started trying to split the

building up into self-contained flats. He excavated under the building to create a basement flat, dumping a large amount of spoil in the garden. This caused neighbours' fences to sag and, some believe, caused water penetration and structural damage to their houses. He ignored Camden's invitations to apply for permission or their orders to comply with repair Notices, preferring to lodge last minute appeals to delay enforcement.

According to the Camden New Journal's report, the Council

required £250,000 worth of remedial work on the site and neighbours were nursing claims of thousands more. Schlerer has finally called it a day and sold the uncompleted project for an undisclosed sum, which includes payments owed to Camden. The buyer has undertaken to restore the property to its status prior to Schlerer's unhappy involvement, but he won't be offering homes to the former tenants. The new owner plans to live in the property himself with his family.

continued from page 1

housing benefit. And she urged Regulated tenants to look at the second Paper, Renting Homes 2: Co-occupation, Transfer and Succession, before rejecting the proposals outright. This latest document purports to improve the rights of partners, children or even long term live-in carers to succeed regulated tenancies without losing protection, as they could become joint tenants. Landlords would also not be able to unreasonably prevent tenants from taking in lodgers or co-tenants. She was able to allay fears about the previously proposed Estate Management grounds for eviction. Regulated tenants had expressed worries that they would be evicted by developers – such grounds, she said, would only be available to Councils or Housing Associations.

Voicing fears over a mandatory introduction of new written agreements, a member of the audience suggested that Fair Rent tenants should be given the choice either to retain their existing tenancy or elect to sign a new agreement. Ms Carr agreed that this might be a solution.

Ms Carr also conceded that if the consensus of Regulated tenants was to leave them out of the new framework then the Law Commission would respect that.

Silent majority left to the mercies of the market

She had no comfort though for the Assured Shorthold tenants who make up the vast majority of Camden's and the UK's private lettings. They will still be vulnerable to mandatory eviction by Courts on rent arrears. There's also no change to the Commission's earlier proposal that shorthold tenancies could be for just three months – instead of the present six months, which causes enough problems already. The proposals countenance these tenants having to move home four times a year – making it virtually impossible for them to vote, to register with a doctor or find schools for children. Despite unanimous rejection from CFPT and other tenant groups, the

Commission is persisting with this heartless idea, blithely assuring critics that most landlords prefer to grant longer lets. Experience suggests that many landlords would, indeed, not exercise the right to evict after just three months – unless they had 'problems' with a tenant, perhaps including one who pressed the landlord to do repairs or experienced delays in obtaining housing benefit.

The Commission's different treatment of secure tenants compared with insecure shorthold tenants may reflect the fact that, while council tenants and private regulated tenants have shown an ability to rally their communities on issues that affect them, shortholders have proved almost impossible to organise. Because many have to move at least annually they cannot put down roots in any community. Thus, the concerns of a majority of today's tenants' remain largely unheard.

Ms Carr later rejected the suggestion that the reforms had been inspired by the landlord lobby frustrated by delays in ejecting shortholders who had trouble paying today's high market rents. But she admitted that the Government had become very dependant on private landlords to deal with a housing crisis caused by a failure to build new social housing. In response to a caution that regulated tenants would not trust the government to get any law changes right following Spath Holme's

challenge to the Maximum Fair Rent Order, Ms Carr acknowledged that the Rent Cap had been badly handled.

Copies of the Law Commission's new Consultation Paper on Housing, entitled Renting Homes 2: Co-occupation, Transfer and Succession, contains further proposals for reform. All 150 pages of it can be read on the Internet at www.lawcom.gov.uk (or purchased for £24 from The Stationery Office on 0870 600 5522). CFPT hope to have copies available for viewing once we are back in our offices at The Marr when refurbishment is complete in late October. The closing date for responses is 15th Nov.

Why not come to our meeting at 6.15pm on Wednesday 6th November?

Law Commission – Renting Homes 2: Co-occupation, Transfer and Succession. We will be looking at the second Paper to feed back into the Commission – IT IS EXTREMELY IMPORTANT TO GET THIS RIGHT – and CFPT wants to get as many tenants' views as possible to form our response. If you can't attend the meeting but would like to contribute please send your ideas in writing to our offices.

Venue: Camden Federation of Private Tenants
11-17 The Marr, Camden St, NW1
next door to the The Camden Pub.

IN A RECENT MINI-SURVEY IN RESPONSE TO THE COMMISSION'S PROPOSALS, CFPT asked Assured Shorthold tenants what they thought of six-month tenancies. Of 15 respondents 10 said that six-month tenancies were too short. A further 4 thought that they were about right, and only 1 thought them too long. Of those who found six-months too short, respondents complained that these types of tenancies 'may be used by the landlord to impose unfair/abusive conditions on tenants', or that short tenancies doesn't allow them to feel secure – 'how can one settle down like this?' Others admitted that 'social life is difficult to maintain if you are forced to move every six months'. Another stated flatly that 'they should be abolished and tenants should have more security.' Those who said that six-month tenancies were too long or about right, sited the need to leave a tenancy early, or added that 'there are perhaps other things that are more important – e.g. why tenants have to pay extortionate fees to estate agents, e.g. admin fee, inventory fee.' The latter suggesting that although some tenants may welcome shorter lets in specific circumstances they are not happy with the way that these may be abused.

And Hoogstraten's business wasn't in 'nice houses'; he was emulating the Notting Hill slumlord who between 1952 and 1962 added the term "Rachmanism" to the language. Hoogstraten too acquired crumblings, rent controlled properties – they were cheap in the rundown seaside resorts. He'd send in burly "builders" to make a place uninhabitable – and tenants not driven out might find their possessions scattered in the street, the locks changed, leaving Hoogstraten free to sell to developers at a vast profit.

Eventually his exploits were noted by the Inland Revenue who extracted a \$13million tax settlement rather than prosecute. But in the course of his career he was convicted of bombing the home of a man who owed him money, for dealing in stolen antiques, for assaulting council officials and threatening a barrister in court. Jailed, his wealth bought favours, while his properties rose in value. He managed to sell much of his portfolio at the top of the market in the early 1980's for £100million, reinvesting at the bottom of the 1990's crash.

Hoogstraten increased his fortune further by lending money to other landlords. He held the deeds of their properties and is believed to have altered them to show himself as the owner. Few dared to argue. When he tried the same trick on Mohammed Raja, Raja threatened to go to the Police. This led Hoogstraten to send his enforcers Robert Knapp and David Croke to (at least) put the frighteners on him.

But Hoogstraten's legendary tight-fistedness was his undoing; he paid the two only a few thousand pounds and they bungled everything; killing Raja in front of witnesses and using an identifiable getaway vehicle which they then failed to burn fully, so that forensics linked them to it.

When all three came to trial, the case against Hoogstraten came within an ace of failure as one key witness had left the country and another suddenly changed her

testimony. Police actually contacted CFPT pursuing a witness who could help prove a connection between Hoogstraten and one of the killers, Robert Knapp. The Maida Vale leaseholder had been verbally abused in the 1980's by Hoogstraten and another man who subsequently moved into a neighbouring flat and made her life a misery. The man had adopted an alias, but it was one known to be used by Knapp. Without such corroboration, the evidence linking Hoogstraten to the killing was largely circumstantial.

In the end, the prosecution got much of the help it needed from Hoogstraten himself. Hoogstraten insisted on testifying to his innocence, but those present in court claim they sensed a sudden change in the jury's attitude as he discussed harassment of tenants as if it was a joke. His claim that he was not a violent man opened the way for the prosecution to introduce evidence that he was, in fact, a man who enjoyed and boasted about violence. This evidence was supplied largely by archive television footage including an interview with the missing witness who could identify Knapp.

Knapp and Croke were convicted of murder but the jury accepted Hoogstraten's plea that he hadn't intended Raja's death and opted for manslaughter. It's possible that Hoogstraten could have walked free had he appreciated that driving tenants and leaseholders out of their homes for profit would be entirely unacceptable to the ordinary, normal, people of the jury.

Lawyers have successfully postponed sentencing while Hoogstraten's mental condition was assessed – the judge has warned that he may be looking at a life sentence.

This may not be the end of Hoogstraten's troubles. Survivors of a 1992 fire in a block at Hove believe that trial testimony confirmed a connection between him and the property. The blaze was started deliberately and killed 5 people. The leaseholders had recently beaten the freeholder (which they believed to be a Hoogstraten company) in a legal battle over ownership. At the inquest a witness admitted he'd started the fire, claiming it was a prank. He died

shortly afterwards when hit by a truck in what was said to be suicide. Parents of the victims want the fire re-investigated. According to a CFPT member who lived in Brighton in the 1960's, Hoogstraten was reputed to have threatened to fire-bomb squatters in his properties.

Though he holds extreme right-wing views, it was probably Hoogstraten's criminal reputation which has had the most effect on British housing policy. His outrages created the impression that respectable people were deterred from becoming landlords by an excess of regulation. This notion was readily adopted by politicians aware that effective enforcement would anyway soon be beyond the means of local authorities whose funding they intended to squeeze. Hoogstraten was infrequently prosecuted for the widespread illegal evictions he carried out.

Aware that despite a conviction for killing, there is nothing to stop Hoogstraten remaining a landlord, tenants in Camden and Brent are campaigning to have criminal landlords barred. Members of CFPT, Shelter and the Brent Private Tenants Rights Group have planned a picket of the sentencing hearing at the Old Bailey on October 25th. They are demanding the licensing of all private landlords to eliminate those convicted of abusing or endangering tenants. In 1997 Labour promised to introduce licensing of landlords but has been slow to act. This year's Private Member's Bill included proposals for a degree of control over bed-sit properties, but the Bill has since been dropped due to unrelated problematic clauses. Limited regulation of the private rented sector remains dependent on Local Authority Registration Schemes – often ignored by the lawless elements in the property business and hampered by lack of resources.

Hoogstraten's sentencing has been set back to **Friday 25th October**. Tenant groups including CFPT will be demonstrating outside the Old Bailey between 10 and 11am. Contact the office on 020 7383 0151 nearer the date for more details.

More nurses' homes sell-off

Controversy reigned again over the fate of the Rockefeller Nurses Home on Huntley St, as University College London Hospital applied to bulldoze the former homes and build a state of the art cancer research centre in their place.

Camden Councillors rebelled against Officers' recommendations to give the proposals the go ahead by unanimous rejection. Although there was some talk of retaining the nurses' homes and affordable housing in the borough, coverage in the local press seems to suggest that the more important issue was the architectural merit of said nurses' home and the proposed new structure. A Planning Officer said that although the current building didn't detract from the area it wasn't important enough to conserve, whilst the proposed research centre would be a five-storey glass and steel affair by an award-winning Architect. Not surprisingly, local residents have objected to the plans. Worried no doubt, that the loss of accommodation and residents in this part of Bloomsbury, as in much of central London, will see a further erosion of their community.

Allan Mitchell, UCL's Deputy Director of Estates, said that the proposed design followed two years of negotiation. Given that CFPT alerted the Council two years ago to the closing of nurses homes in the area, including the Huntley Street properties and published a Nurses' Survey Report, it seems bizarre that Councillors are only now arguing for the retention of the properties as homes for nurses. CFPT spoke to UCLH spokesperson, Helen Anderson, who said that the decanting programme started over a year ago had been completed in July, all former residents had been found alternative accommodation, although whether this was in Camden is not clear.

CFPT deplores any loss of affordable key-worker housing in the Borough, and will be asking Camden's Council's Head of Scrutiny to look into protecting such housing within the borough.

Local and National Campaigns

to limit right to buy as spivs grab council flats

Council Leader Jane Roberts and MP Glenda Jackson called a Press Conference in September to deplore the loss of social housing as local newspapers ran headlines exposing the latest right to buy scandal. Camden's response to the right to buy (RTB) problem is published in a leaflet called 'Housing: The Hole In Social Policy'. Its launch coincided with a harder line national campaign from Shelter who demanded a moratorium on right to buy discounts in areas of housing shortage.

Cllr Roberts said that reform should give councils the right of first refusal if a property acquired by a council tenant under right to buy is subsequently sold. The council should have the first right to rent the property if the buyer decides to sublet. Shelter, meanwhile, were pointing out the sheer waste of money involved in selling off council flats at prices discounted well below the cost of building new ones. It claimed that in 5 years 13,000 urgently needed flats had been lost to private ownership at knockdown prices.

Deputy Prime Minister, John Prescott, has responded by stating the Government would consider suspending the RTB in areas of 'designated housing crisis'. This is largely seen to be London and the South East and would be used to curb 'abuses' to the system, and to stop the undermining of affordable social house provision.

Confirming the haemorrhage of public housing and public money,

the Ham & High and Camden New Journal have both recently led with stories of the latest get-rich-quick scam by a council tenant in Gospel Oak and a Channel Islands-registered property firm. They alleged that while himself receiving housing benefit, the tenant David Hughes had sublet his flat illegally for £320 per month, then exercised his right to buy the flat for less than £30,000. He promptly re-sold the property to the developer Florian Properties for £57,000. Florian then evicted the tenant who had been let the flat illegally, and the firm were free to sell the flat on again for around £130,000. A Council spokesman expressed regret at the eviction of the tenant and warned that private tenants in council or ex-council properties should demand a proper tenancy agreement before paying rent.

While Camden struggled to provide 182 new homes via partnerships with housing associations last year, 761 homes disappeared via right to buy. Housing stock being finite this situation is clearly unsustainable if the social obligation to house more vulnerable members of society is to be maintained.

The gradual erosion of Council accommodation can be contrasted with the push towards preferential housing of key workers. London's Mayor is promoting the idea that 50% of all new housing developments to be comprised of affordable homes. Hopefully this will emerge from the recent consultations on the draft plan for the spatial development programme for London and it will be welcome news to areas suffering from shortages of teachers or nurses.

Dealing with ... Service Charge Problems

A large number of Camden residents are required to pay service charges as part of the terms of their tenancy. There are many sorts of tenant who pay service charges. However, this article is mainly aimed at those tenants who hold a lease on a flat or house that was originally granted for more than 21 years – the 'long leaseholders'. **By Ben Odofin.**

Most of these tenants have to pay their service charges to the freeholder, or landlord, of the property. Sometimes the landlord will appoint a managing agent to manage the property and collect service charges. Every year, the Housing Advice Service deals with a large number of complaints from long leaseholders about service charges. Typically, many of these complaints are about the unreasonableness of some service charge demands; or the lack of basic information to justify the service charge; or the non-existence or poor quality of the services that have been invoiced.

A service charge is broadly defined as any contribution that the tenant is required to pay towards their landlord's costs. Such costs are likely to include any building services that the landlord supplies, as well as the costs for repairs, maintenance, insurance and management. In addition, many tenants are required to pay into 'sinking' or reserve funds. These funds often allow for unusually large items of expenditure – such as the costs of major roof repairs – to be spread over a number of years. There are special legal safeguards that apply to the running of sinking funds.

First Read the Lease

If you are disputing service charges with your landlord the first thing that you must do is read through your lease. The Housing Advice Service can help you to check your lease, if necessary. If you cannot find your lease your mortgage lender or your solicitor should retain a copy, as well as your landlord. Your lease contains important information about your liability to pay service charges. This

will include such issues as how often, and when, you should be charged for services; what costs your landlord is allowed to pass on to you; what percentage of the building's total costs you are personally liable for; and whether you can be asked to pay into a sinking fund. Some leases also contain clauses that allow the landlord to charge for certain services that have not been specifically mentioned anywhere else in the lease.

Another important reason for reading your lease is to check for any 'arbitration clauses'. These clauses normally set out a procedure that must be followed for resolving any service charge dispute with your landlord. The whole idea behind arbitration clauses is to provide a way to resolve disputes so that they do not end up in the courts. Such a clause may require, for example, that if you cannot come to an agreement with your landlord about the problem the matter should then be referred to an independent person – such as a surveyor.

Rights to Information

After first checking your lease the next stage in resolving a service charge problem is to make sure you have all the necessary information that may support your arguments. Your landlord has a legal obligation to supply you with some of this information.

A recent client, Mrs. Patel, approached us to complain about a number of items on her service charge invoice that seemed unreasonable. The present landlord – some unknown company – had acquired interest in the building about one year previously. Their managing agents were not reliable.

They were extremely evasive about both providing evidence to support disputed service charge items and disclosing details about the freehold company. Mrs. Patel had decided to withhold payment of service charges until all her queries had been dealt with satisfactorily. But the managing agents wrote back to her threatening to start legal proceedings to forfeit her lease if she did not settle all outstanding monies immediately.

Luckily for Mrs. Patel, in this situation the law did offer her some protection against losing her home through forfeiture. Her landlord could still have started forfeiture proceedings in the county court because of the non-payment of service charges. But Mrs. Patel could have applied for relief from forfeiture if she could show that there was an on-going dispute with her landlord over the reasonableness of these charges. If she applied for relief, the court could have transferred the case to a Leasehold Valuation Tribunal (LVT). The LVT is a specialist court that decides whether service charges are reasonable or not. However, we advised Mrs. Patel that it would be much better to try to avoid forfeiture proceedings if at all possible, because there was a small risk that she might still lose your home.

We advised Mrs. Patel that she was legally entitled to a summary of the costs on which the service charges were based. The landlord is obliged to provide this information within a certain deadline. The law lays down what information must be contained in her landlord's summary, and what period the summary must cover. Because more than four tenants in the building were liable to pay the service charges, we advised Mrs. Patel that her landlord's costs' summary had to be certified by a

qualified accountant. After eventually receiving the summary of costs, we later assisted Mrs. Patel in pursuing a further right. This was her right to see all the receipts, accounts and any other documents relating to her landlord's summary. Once again, upon a written request, the landlord was obliged to allow these documents to be inspected and photocopied within a certain period.

When the new landlords took over they were obliged to disclose their interest in the property to all the residents within a certain period. We advised Mrs. Patel about a number of ways that she could obtain her landlord's details, such as through the Land Registry Office and lodging an enquiry with Companies House. Like all tenants, Mrs. Patel was also legally entitled to have an address in England and Wales for her landlord, at which any notices from her (such as court summons) may be served. Upon written request, her managing agents must supply this information within a strict deadline. Indeed, rent and service charges are not legally due to a landlord unless these details are disclosed.

Costs of Major Works

Many tenants complain to the Housing Advice Service about the unreasonableness of costs associated with major building works, or about having to pay for works that have been done to a poor standard. Your landlord is obliged to consult you if the costs of major works will exceed either £50 multiplied by the number of flats or £1,000 – whichever is the greater. Your landlord must obtain at least two estimates for the proposed works and supply these to everyone concerned. At least one of the estimates must be from a firm that is not connected with the landlord. Your landlord must then issue a notice about the proposed works, attaching the estimates, and inviting tenants to comment on the proposals within one month. Your landlord must have regard to tenants' comments, but he does not have to act upon them. The useful thing about these requirements is that if your landlord ignores them and presses ahead with expensive

works, tenants can sometimes be justified in only paying a limited amount of the final costs.

Options and Remedies

With service charge problems the best approach is always to try first to find a solution through negotiation. Very often, the most effective way of negotiating is through a Residents Association. Setting up a Residents Association makes good sense if there are a large number of tenants in the building who are affected by the same problems. Residents Associations also have extra legal rights to obtain certain information, and to consultation in certain areas. Also, if, later on, the service charge dispute can only be resolved at court, the costs of taking (or defending) legal action can be shared collectively by all the members, as opposed to by a single tenant. The Housing Advice Service will give you advice and help in setting up a Residents Association, if you need one.

Withholding service charges payments should only ever be done as a last resort, when all other options have failed. You should always pay in full for those items on the invoice with which you agree. If there are items that you regard as unreasonable you should try, where

possible, to make a payment that you feel is reasonable, and then explain clearly in writing why you have withheld the balance. The Housing Advice Service can be approached if you feel that a possible solution could be found through mediation or negotiation.

Making an application to the Leasehold Valuation Tribunal should also only be as a last resort, although this is sometimes unavoidable if negotiation and mediation has failed and the relationship with your landlord has broken down. Your landlord can also make their own application to the LVT. There are both advantages and disadvantages in applying to the LVT. The Housing Advice Service will be happy to discuss these, as well as to advise you about the LVT application process and the costs that are involved.

The Commonhold and Leasehold Reform Act came into force on May 1st. The Act contains many provisions that will extend, clarify and strengthen some of the rights that have been discussed above. However, the Act's provisions on service charges will not be fully available until Spring to Autumn of next year.

Thanks to Ben Odofin, of Camden Housing Advice Service for this article.

Camden Housing Advice Service

Free, expert advice for private tenants, leaseholders and people seeking accommodation. You can phone us, come in or email us.

Housing Advice Centre
North team
179 West End Lane,
NW6 2LH
Tel: 7974 8855
hacnorth.housing@camden.gov.uk

Opening hours
Mon, Thurs, Fri: 9.30 – 4pm
Tues: 9.30 – 1pm; 4 – 7pm
Wed: Closed

Housing Advice Centre
South team
Bidborough House
20 Mabledon Place, WC1H 9BF
Tel: 7974 5801
hacsouth.housing@camden.gov.uk

Opening hours
Mon, Tues, Thurs,
Fri: 9.30 – 3pm
Tues: 4 – 6 by appointment
Wed am: Somali speakers only



Awarded for excellence

138 – 150 Finchley Rd Refurbishment

CFPT was contacted by a concerned tenant reporting that the block of properties she lived in was being emptied for redevelopment as 'luxury' flats. 138 – 150 Finchley Rd houses up to 50 residents – mostly Assured Shorthold (AS) tenants and 12 Regulated tenants.

The landlord has approached some regulated tenants offering to buy them out or find alternative accommodation, but the AS tenants are facing eviction. We put the tenant who contacted us in touch with the Housing Advice Centre to get advice on her situation.

Concerned also that the landlord was intending a change of use of some of the flats from bedsits to self-contained premises, which might be in breach of Camden's planning policies, CFPT contacted the Managing Agents. Mr Alexandrou of Stephen Gracy Agents was keen to reassure us that the landlord wanted to do things properly and was following due legal course – serving notice on AS tenants as their tenancies expired.

He added that planning applications had been put in for two of the blocks and they are waiting to see what Camden will give them permission for. He said that it might be possible to re-house the Regulated tenants in



the same blocks but that they were 'still playing with ideas' at present.

CFPT urges those who have been given notice to quit or are worried about their tenancy rights to contact Camden's Housing Advice Centre North Team on 020 7974 8855.

Housing Benefit and Council Tax Benefit Update

The Draft Local Government Bill proposes to introduce a ten-yearly fixed statutory cycle for council tax revaluations in England. It also proposes to remove students from joint and several liability where they are either a spouse or common law partner, or where they have equal

interest in the dwelling.

The controversial Housing Benefit (Withholding of Payment) Bill that proposed to withhold housing benefit from anti-social tenants or their landlords has been scuppered as it ran out of Parliamentary time.

Help the Aged Report

BBC Radio 4 recently reported on a study into eviction and harassment of elderly private tenants.

Help the Aged, responding to concerns from Northern voluntary organisations, have commissioned a paper by University of West England Bristol into looking at the extent of the problem. The research was based on case studies in five UK areas and the Report will be published in January 2003. CFPT contacted Help the Aged to find out more.

Spokesman Ben Harding did not want to pre-empt the report by giving details but said that the research did indicate that there is a need for more adequate housing advice specifically for older people. Robin Means, one of the researchers into the study, said that cases of harassment or eviction were sometimes deliberate acts by landlords, but that they often resulted out of ignorance of the rights and responsibilities of both the landlord or tenant. This is important and welcome research which highlights issues facing the vulnerable elderly. Watch this space.

Camden Federation of Private Tenants is registered under the Industrial and Provident Societies Act as The Camden Federation for Private Tenants Limited Registered No: 25086R

Camden Federation of Private Tenants

CFPT is run for and by private tenants. We work on all aspects of tenant issues, providing information and resources, lobbying Government and campaigning on issues both locally and nationally.

We have close working links with other groups such as Shelter and have worked with Government departments on a number of issues.

If you are interested in becoming involved, please contact us. If you would like to see other topics covered, please let us know.

We welcome letters, questions, comments and suggestions. You can become a member or a subscriber. This will put you on our mailing list

and you will receive notice of any meetings, workshops, events, special reports, etc., as well as our newsletter for £7.50 per year.

We also need volunteers to work on the newsletter, contributing to policy work and consultations, attending occasional court cases, and representing us with other organisations and committees.

Please contact us at:

11-17 The Marr,
Camden Street, London NW1 0HE

Tel: 020 7383 0151

Fax: 020 7383 7110

e-mail: camfpt@lineone.net