

# PRIVATE TENANT

## Finchley Road empties hit the headlines as squatters move in

The Fed has been nagging all who will listen for countless years about massive residential properties on prime sites in Hampstead lying unused while the local social housing waiting list now has eight applicants for every vacancy and there's a huge rise in overcrowding in the private rented sector.

According to recent figures 30% of homes in the borough are classified as overcrowded (by a yardstick which is notably lax) while the national figure is just 7%

We first highlighted the scandal of Fairfax Mansions on the corner with Fairfax Road at Swiss Cottage in an issue of The Private Tenant published over seven years ago. At that time, three of the first six properties on the site were empty. Now, it's five out of six in a row of three storey buildings above shops which each contain up to 7 empty flats. Still, the mail piles up behind the front door of one property while the letterboxes of the others are barred.

When we first reported on Fairfax Mansions, as we recall, Camden believed that it belonged to an overseas property developer who was proving impossible to contact – and a walk around site reveals a large empty area of land behind. Doubtless, the owner has visions of gaining vacant possession of the entire site and demolishing the Mansions in favour of a shopping mall, offices or luxury apartment blocks. Whatever, they are clearly willing to play a waiting game while the capital value of the site increases, allowing loans to be secured against it – and to hell with the homeless in faraway Camden. CFPT can only hope that after such



**Fairfax Mansions consists of a terrace of nine properties on Finchley Road. Five of the first six buildings are empty leaving some 30 vacant homes, some empty since before 2000.**

a long time empty, Camden will be moved to apply the necessary resources to tracking down the owner and using powers that it has gained since 2000 to bring the properties back into use.

Meanwhile a group called Circle Community Project have appointed themselves "caretakers" of the 75 yard long block of flats which lie empty above the old Alan Day Mercedes dealership fronting Finchley Road and the corner with Lymington Road. The group have been the subject of a vitriolic attack in the local Hampstead and Highgate Express newspaper. The Ham & High described the fairly friendly band of hippies who a Fed member met at the premises in December as having barged their way into the building and holding the building's new owners, the Jewish Community Centre, to ransom.

Had the journalist read the editorial in the summer edition of the Fed's "Private Tenant" they might have offered a more balanced picture. That there is considerable disquiet at the way the building's original residents were removed from the up to 15 homes in the block during 2005 on the understanding that a new block of flats would be erected to include

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**The old Alan Day Mercedes site on Finchley Road consists of some 10 two storey and three storey properties above showrooms. The site extends some 20 yards down Lymington Road to include a smaller showroom building with more flats above.**



**This elegant building at the corner of West End Lane and Finchley Road consist of a shop and 3 storeys of high-ceilinged residential space – currently occupied by pigeons.**

affordable accommodation to replace the lost homes.

Instead the site has been acquired by the JCC who declared their intention to build a community centre on the site. Apparently no mention of homes, affordable or otherwise – though hopefully Camden's Planners will not let the

project go ahead without mitigating this. As we noted in our summer editorial piece, the proposal seems more like a leisure centre as it would include a swimming pool and gym – despite the fact that there are three of those already in the vicinity. It would include a meeting venue, though there are two of those nearby – one immediately opposite at the Arts Centre on the corner with Arkwright Road.

In November CFPT notified Camden Empty Property Officer Joyce Amoateng of 465 and 467 Finchley Road at the corner with West End Lane – empty shops with extensive three storey residential space above, apparently completely vacant. Joyce replied that she was aware of the premises in question and that while they were subject to planning delays, these seemed to be dragging on. She said there had also been complaints of rubbish being dumped on the site's side in West End Lane. Sadly from what we could see the main beneficiary of 465's high-ceilinged rooms was the pigeon population, despite efforts to patch broken and missing windows.

Recently, local authorities gained

new powers over empty properties which make it more practicable for them to act. In the past they were restricted to persuading landlords of the commonsense of not leaving homes empty and of offering them loans to make them lettable – the alternative being the power to apply a Compulsory Purchase Order. The problem was that some landlords were not persuaded when property price rises produced capital gains that could be realised more quickly without the trouble of refurbishment or the hindrance of sitting tenants. Compulsory Purchase Orders were rarely used because of the ever rising cost to the Council of offering the owner a reasonable price. Now the Council has powers to compel a landlord to let an empty property to Camden who will manage and tenant it for the landlord's benefit.

Obviously CFPT hopes that exposing the above cases will help persuade those with the power, to support Camden's Empty Property staff in their efforts to end the prolific waste of homes in the Borough.

## Complaints by tenants may have led to fraud arrest

A CFPT member has been among whistleblowers on the Crown Estate's Cumberland Market Estate whose agitation finally led to intervention by the Housing Ombudsman, auditors, and the Fraud Squad. In November the Camden New Journal reported the sacking of housing officer at the estate office. The housing estate, sandwiched between Hampstead Road and Albany Street provides reasonably priced housing to some 400 key workers and social housing tenants.

Susan di Santo says that she and other tenants had been expressing unease about affairs at the estate office for some years centering on difficulties with obtaining annual statements of rent paid. A landlord must supply such statements on demand to tenants who pay rent weekly, though the Crown Estate seems to have offered to supply statements

to tenants who paid monthly.

The failure of the Crown Estate to routinely supply such statements, despite past undertakings to do so, is alleged to have led to one tenant being denied transfer to a larger flat because he had been left in the dark about a rent arrears of just £2. It's believed that the lack of statements has affected tenants' security of tenure, particularly where Housing Benefits delays have led to arrears.

Some have lost their status as Protected Tenants and Susan believes that this may not have been accidental given the local Crown Estates management's encouragement of as they put it "assertive" or "tougher than precedent" treatment of tenants.

"Shoot the messenger" seems to have been the Crown Estate's response to complaints – and Susan, despite a previously good relationship with housing officers, has found herself subject to

"special measures" by their legal department. But her belief that a particular housing officer was overcharging, refusing to issue statements of rent – and inconsistencies in statements when finally obtained – may have been proved entirely justified by the latest developments.

The Housing Ombudsman ordered the landlord to arrange formal mediation on other issues between the Crown Estate and Mrs di Santo. Susan was supported at the subsequent mediation session by CFPT's former staff member Bridget Stark.

Late news according to the CNJ, is that a Housing Officer at the Crown Estate office on Cumberland Market Estate has been charged with fraud in the amount of £100,000 and bailed to appear at Westminster Magistrates Court in January.

# Landlord stops NHS installing handrail for stroke victim

Federation members The Froggnal Estate Resident Association report a new outrage by their immediate landlords RFYC Ltd, a company apparently controlled by Norman Freed and his son Simon Freed, men barred as company directors by the Dept of Trade and Industry.

Lina Basu lives on the first floor of one of the blocks comprising the Froggnal Estate which faces Finchley Road near the O2 shopping centre. She was recently admitted to the Royal Free with a cerebella infarct – in simple terms a stroke – which has left her with poor balance.

After rehabilitation treatment, Ms Basu's Occupational Therapist Mirek Skrypak of the Camden Reach North Team recommended to the NHS Primary Care Trust in Camden that they order some small handrails for the steps adjacent to the patient's home to help her mobility and, doubtless, to avoid a fall. In a letter addressed to the owners of the building, the Primary Care Trust wrote asking for permission for their contractors, British Red Cross Community Equipment Service, to install the handrails – at no cost to the landlords. The Red Cross was even prepared to remove the handrail when no longer needed and make good any mounting holes.

Following an extraordinary phone call to RFYC by the Primary Care Trust Miss Basu realised that the landlords were refusing permission for the handrails because she was in dispute with them over alleged service charges arrears.

Almost all of the 54 leaseholders on the Froggnal Estate are in dispute with RFYC as it has attempted to apportion service charges to their flats in ways which didn't match the

terms of residents' leases. Given that the case of the service charges is in the courts and subject to decisions by the Leasehold Valuation Tribunal – and is very likely to be resolved in the residents' favour – Ms Basu will probably be found not to owe what is claimed by the Freeds. Denying her something so simple and essential to her well being and safety seems particularly unjust, if not spiteful and possibly unlawful.

Residents' Association Chair Marie Garside wrote to one of RFYC's superior landlords asking if they would intervene on Ms Basu's behalf and authorise the works themselves but they replied promptly regretting that they have no control over the day to day running of the flats or the common parts and referred Ms Garside back to the immediate landlords RFYC.

Marie has now written to RFYC's Director Chayim Freed, a 24 year old medical student who has become a director of the company, presumably in place of his uncle Norman or cousin Simon. She appeals to Chayim Freed as a medical man to take note of the seriousness of Ms Basu's condition and the likely risk of accidents, particularly given the parlous state of the flooring on the stairs.

Damaged lino tiles were reported to the former immediate landlords (the Pears family company Long Acre) some years ago as part of a Schedule of Dilapidations but the only remedy applied was some adhesive tape. In an adjoining block not only was flooring in common parts defective but workmen for the Freeds seemingly removed the fuse from the lighting circuit to save electricity. A visitor to the home of

resident Dr. Mike Anson may have narrowly avoided injury in July this year when tripping in the dark on the block's stairway.

Norman Freed is now being investigated by DTI inspectors for acting as a Director while disqualified after being reported to the Government department by the judge in an earlier case in which RFYC was inducted from breaching covenants, having annexed Froggnal Estate residents' parking spaces as a public pay and display parking lot and threatening to clamp residents cars unless they paid £30 a week plus VAT. The case was reported in the Hampstead and Highgate Express under the headline "Legal win marks end of clampers' heaven" but the landlord has yet to comply with the court order and is still trying to get residents to pay to park and continues to let the paying public park on the site.

In the usual tangled web of ownership that afflicts leasehold property in England and Wales, the land upon which the Estate is built belongs to Network Rail, a property investment firm called Satco sublet the buildings on the site to the Pears family who later rid themselves of the residential portion of the buildings in a sale to the Freeds' RFYC company for a mere £90,000.

The residents, most of whom paid vastly more than that for each of their flats, are not amused that people with such an obviously poor record as the Freeds have gained control of the homes of so many blameless householders so cheaply and can be permitted to treat them in such a cavalier manner.

## Back to the future

As those who attended the Annual General Meeting in September will be aware that there have been changes arising from the earlier Special General Meeting of CFPT's members.

In line with the Fed's rules 19 members, including some who had recently resigned from the MC, had petitioned for an SGM to demand

that the Management Committee explain continuing problems between staff and themselves that had threatened funding. The meeting learned that the Chairman of the MC James Allie had been asked to step down and that several

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# Challenges to unfair housing allocations

## At Camden's Housing Conference in October a mother whose family has been on Camden's Council Housing waiting list for 17 years got up and said that she was being leapfrogged by new immigrants, in particular those from Eastern Europe.

Speaking from the floor as part of the delegate participation forum of the conference she made plain her anger with the unfairness of a situation in which she never seemed to get any nearer to being housed as she felt she needed.

This was a quite remarkable intervention in the otherwise calm proceedings that have come to characterise Camden's annual meeting of tenant, landlord and other pressure groups and housing professionals from national and local government. This year CFPT sent three delegates.

Earlier in the day Alan Benson, Head of Housing and Homelessness in the GLA highlighted aspects of Mayor Ken Livingstone's strategy for spending the £3.9 billion that's been earmarked for London housing. The Mayor aims to see more than 50,000 or more new homes built. He wants to end the domination of the private sector by opportunist buy-to-let merchants and see major financial institutions investing, as was common in pre-war Britain and is the pattern in much of Europe.

Jenny Edwards of Homeless Link, a national body for those providing advice and accommodation to the homeless, made a point that will resound with CFPT members on how different tenure (owning, private renting, council renting) of almost identical properties in the same area profoundly affected the quality of life of occupants.

Andy Gale, who advises central government on homelessness revealed a huge rise in overcrowding in private sector housing – including “the hidden homeless” who manage to cadge sofa space from friends and family. He stated that nearly a third

of housing in Camden counted as overcrowded and that were standard measurements upgraded to reflect modern standards of comfort and welfare that figure would rocket further.

The issue of social housing waiting lists and the rights of local people has been flagged up before quite recently, but seems to have gained new urgency given the large numbers of individuals, but also families, entering this country for the first time from the new EU countries of Eastern and South Eastern Europe and presenting themselves as in need of housing in the UK.

KIT WILBY, Locum Coordinator CFPT writes:

Back in May 2007 when government minister Margaret Hodge MP said, “*Established British families should be given priority over economic migrants for council housing*”. She was, if not howled down, at least asked to pipe down, and several of her fellow Labour MPs said her remarks were offensive or misguided.

Most people recognise that the real problem is the shortage of affordable housing. Given that situation and given the mechanistic rules, which local authorities have to apply, for allocation of the small amount of available housing, and the detailed challenges they face in the courts if they get it wrong, it is not surprising that the results appear peculiar and unfair to onlookers and interested parties alike. The fact remains that a family with one baby living in a bedsit, if its head is eligible for social housing in the first place, is likely to have more points (and be eligible for the type of property which local councils have more of), than a larger family which has managed to get by in not very satisfactory conditions for years. If race, nationality, ethnicity or any other perceived difference appears to enter into the situation, it is almost certainly an unintended consequence.

Maybe at last some light is about to be thrown in this dark and uncomfortable corner. Trevor

Phillips, Chair of the Equalities and Human Rights Commission has proposed that his Commission jointly with the Local Government Association commission an independent study to find out exactly what is happening, and whether the allocations procedures are being abused to the detriment of anybody.

This is reported in Inside Housing of 9 November 2007. It is interesting that the same edition has a small piece saying that the Social Housing Law Association is suggesting that too many weak cases are being funded by Legal Aid in the areas of evictions and allocations.

Is it possible that there is a connection here? If the would-be tenant who stood up at Camden's Housing Conference has also managed to stay in employment in all the 17 years she has been on the waiting list, then under the new Community Legal Service's rules she may well not be eligible for legal aid to challenge any decision the local authority has made in relation to allocating housing to her, because of her earnings. On the other hand a large number of the people who do get housed because of their vulnerability are in receipt of some sort of benefit, thus eligible for legal aid, and able to challenge local authority decisions in court. Local authorities know this, and do their best to avoid court cases, which are expensive and time consuming.

It is important that in this debate we do not set one set of victims of this absurd system against another. It is very rare for people to get housed who don't need it and aren't entitled to it, and when it happens it is usually a result of outright criminality and dealt with as such. The fact remains that between housing scarcity and the penny pinching short-sightedness which takes help away from the “nearly” poor we seem to be creating such apparent injustice that we may have a recipe for serious social problems on our hands.

# A Reassessment of how to organise in the private rented sector

If your family has lived in the UK for a few generations, you will know from personal memory that families could live their whole lives in the private rented sector, most people living in decent, affordable, reasonably managed and maintained accommodation. There were some horror stories on both sides but before people became seduced by the gold rush of the property market the rogue landlords had no real incentive to get involved in the sector in a big way, and although the balance of power between landlord and tenant seesawed to and fro in the 20th century, it didn't tip into complete imbalance until the public generally saw home-ownership as the way to wealth, and the landlords' portfolios became more profitable to sell vacant than to derive an income from tenanted. We have created a situation where an asset is of more value if it is sold without its income stream than with it, and private tenants have become disposable.

This has coincided with an increasing lack of security for private tenants. After January 1989 the only prior notice required to turn an assured tenancy into an assured shorthold tenancy with no more than 6 months' security of tenure was a notice stating it would be a shorthold tenancy, written on a standard form and served seconds before the tenancy was entered into. Landlords found this too difficult to manage, and from 1997 tenancies in the private rented sector were made shorthold by default.

We now have a private rented sector where tenants are easily evicted, and landlords are under every sort of pressure to see them as disposable. In this situation negotiation between landlord and tenant cannot be between equals. Retaliatory evictions have been well documented by Citizen's Advice where tenants who try to enforce their rights are evicted for doing so, but the reality is that most tenants don't bother. They expect to be exploited. Some tenants become exploiters in their turn. We have created a situation in the

private rented sector where bad behaviour is rarely punished, and good behaviour is often penalised; for instance a landlord who paints over the mould growth between tenancies will get the same rent as the one who treats the mould problem before painting, but will have spent less money and had a shorter void period.

At the same time government policy is tending to put families, including vulnerable families, back in the private rented sector, and some families are choosing to house themselves there anyway and take a chance. (Social housing has been so stigmatised you can understand this, but how did we let something which we should be proud of become a stigma?). It is only fair to add that in spite of all the vilification of the buy-to-let landlords we have seen in the press, there are some new landlords coming in who want to do the job properly, and some old ones in the sector are also getting up to speed, but they are undermined by perverse incentives and low expectations.

Another problem is that society generally has no idea that this might matter. According to the Mayor's draft Housing Strategy, 544,000 (17%) of London's homes are privately rented, and this figure is expected to rise. To most comfortably housed people this is seen as marginal unless they think more deeply. But at the personal level most of us have lived in the private rented sector at some time. Our children take their first steps to independence in the private rented sector – usually in the cheapest, worst managed and most dangerous accommodation within it. At a neighbourhood level the badly managed house in multiple occupation with rotting furniture in the garden is making a fortune for the landlord, but costing a fortune for the local authority and sometime the neighbours too, to say nothing of the nuisance. At a global level these are the worst insulated, most prodigally heated and least sustainable homes we have, and the

mechanisms to improve this latter situation are virtually non-existent.

In theory there have been improvements. The 2004 Housing Act brought in licensing which has the power to tackle the neighbourhood problem – but in most places not anytime soon. The Housing Health and Safety Rating System in theory can tackle problems at the level of the individual letting, but like licensing it is implemented by cash-strapped local authorities, and is working inconsistently as yet. The missing driver on the road to improvement is the private tenant, but if tenants can't get a basic repair done without risking eviction, they cannot act as a driver. In fact many tend to become detached from their communities, they don't bother to register to vote, their children don't cope well at school not knowing how long they'll be there, and being ashamed to ask their friends back for sleepovers.

In short it has never been more important to organise the private rented tenant, and never harder. If tenants could be organised to make demands collectively and act as informed consumers individually, it would be possible to drive casual bad practice out of the sector and free up the tools to deal with the smallish percentage of really bad landlords effectively. There are still campaigners trying to do this though unfortunately as the task gets harder their numbers get fewer. There used to be many more private tenants' rights groups, federations and campaigns, including the Fair Rents Campaign, underpinned by Helen Holdsworth before her death and the Campaign for Bedsit Rights to mention just two. Now in London only the Camden Federation of Private Tenants and Brent Private Tenants' Rights Group (BPTRG) remain, so both are now making contacts beyond their borough boundaries.

*The full text of this article by Kit Wilby was originally written for publication in the national housing periodical 'Roof'.*

existing MC members were not planning to remain after the AGM.

At the AGM, of the previous MC, only veteran Fed member Carolyn Harms and Secretary Rita Legros were re-elected to the committee. New MC members were elected – Marie Garside, Chair of the 50 strong Froggnal Estate Residents' Association who agreed to join temporarily, Susan Aykroyd a member of staff at the Ham & High and Sarah Mitchell who works for Shelter. John McMillan, a former Chairman for three terms, rejoined the Committee.

Coordinator Bridget Stark who has been on staff for some nine years announced to the AGM that she was leaving the post. Sharmin Islam remains as Administrator.

John was elected Chairman at the inaugural MC meeting on 2nd October and another former Chairman and Treasurer Martino Cartella agreed to rejoin the MC as Treasurer – a key appointment given that the Fed has been running without a Treasurer for some two years and Martino is a qualified accountant.

The period since has been about consolidation, aided greatly by the temporary hiring of Kit Wilby as Coordinator while a replacement for Bridget was sought. Kit has a long record of service in the Voluntary Sector, also serves part time as a worker at the Brent Private Tenants' Right Group and was a crucial in saving the Fed in 1997 when, following staff problems, the organisation lost funding and faced closure. It should be emphasised that recent events have not been in any way so serious as they were then.

Bridget succeeded in securing funding for the Fed before she left and many members have come forward to say how much help and support they had received from her during her years in the post.

# News in Brief

## News for leaseholders

There's a new piece of legislation affecting rights and obligations on service charges. See the Government's Office of Public Sector Information website [www.opsi.gov.uk/si/si2007/20071258.htm](http://www.opsi.gov.uk/si/si2007/20071258.htm).

Leaseholders should log on to the 10 Downing Street petition site <http://petitions.pm.gov.uk/> where a petition on leasehold reform doesn't seem to have attracted the support it needs.

The Land Registry is no longer accessible on-line by the public, apparently due to extensive abuse by those obtaining mortgages by fraud.

## Cambridge HMO Conference

Susan Aykroyd reports on the Conference she attended in November hosted by Cambridge City Council and the National Homes in Multiple Occupation Network.

Given the many HMOs in Camden, it was hoped that I would be able to spread the word about the Federation as well as learn about current legislation and progress being made within the field. On a bright Autumn morning we were welcomed to the City by David Howarth the Liberal Democrat MP for Cambridge who made reference to the fact that Cambridge was home to many HMOs due to the large student population.

The first workshop I attended was on the rather heavy subject of illegal landlord behaviour in regard to tenant's rights and was attended by concerned landlords as well as local and national bodies representing the Tenant's side of the story, including Shelter. A new protocol is currently being developed on Merseyside in conjunction with the Police, Shelter – and a formidable lady from the Citizen's Advice Bureau called Debbie Crews. A large part of the problem is that Police are not

conversant with housing law. New initiatives are being developed – for example that officers carry up to date information concerning tenant rights. An award winning report has been written by Debbie entitled "The Tenant's Dilemma". This award-winning report is available free at [www.seftoncab.org.uk](http://www.seftoncab.org.uk) for those interested in exploring the issues further.

At lunch I made some interesting contacts, mainly, Environmental Health Officers from up and down the country. I sat next to one of the Cambridge Councillors and, inevitably, the conversation turned to the subject of affordable housing. He shared some of the planning dilemmas faced by the council in the creation of mixed use developments to address this problem. The question of why, up and down the country, council rents are so comparatively low was not answered to my satisfaction. It certainly explains the deadlock within the system as tenant's paying low rent will never move on in order to free up the current housing stock. My suggestion that council rents be means tested did not go down well!

We were invited on a tour of the City with a well informed Cambridge City Council refuse collector who regaled us with his story of buying a property many years ago "on the wrong side of the tracks" and how locals can no longer afford living within the City boundaries anymore.

The afternoon workshop was on contemporary technology being piloted in Cambridge for housing inspections. The technology was quite impressive and would certainly be useful for other council departments including Benefits and Electoral services as well as landlords of HMO's in ensuring that they can report back to base from out in the field. I felt that it would be interesting to invite one of the Environmental Health Officers I met on the day to come and speak to us about their work in greater detail.

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