

REF: D0311

Jefferson House Residents Association Plaintiffs

-V-

Steel Services Ltd Defendants

OPINION

**IN THE MATTER OF AN APPOINTMENT / NOMINATION OF INDEPENDENT
ARBITRATOR ON BEHALF OF THE LEASEHOLDERS / RESIDENTS OF JEFFERSON
HOUSE 11 BASIL STREET LONDON SW3 1AX . BY THE ROYAL INSTITUTE OF
CHARTERED SURVEYORS OF ENGLAND AND WALES**

1. INTRODUCTION

1. The leaseholders of Jefferson House 11 Basil Street have referred this case for arbitration due to the following reasons:
 - a) By virtue of S.84 of the Housing Act 1996 (HA) 96 to advise on matters relating to, or which may give rise to service charges payable to the landlord.
 - b) To support an application or the appointment of a new manager. Regulated by the Association of Residential Managing Agents.

The leaseholders have already sort advice from the Association Residential Managing agents and, have been furnished with a list of managing agents that are covered by their code of conduct.

They are also in the process of setting up a residents association and have sort advice from The Association of Private Residents Association.

HASKC (housing advice service Kensington & Chelsea) have taken instructions from the residents / leaseholder which are represented in this document and are acting on their behalf.

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20. 5/11/01: HASKC writes to MRJ for :

1. List of properties that they have managed and stopped managing within the last five years.
2. Names /addresses of Directors and secretaries of the Head Lessee Steel services Ltd/ Head Lessors Jefferson House Ltd. **No response to date of point 1**

21. Joan Hathaway phones HASKC stating that she does not know what accounts HASKC is requesting. HASKC explains overheads of other properties, NI contributions.etc.

22. 8/11/0: HASKC receives letter from Joan Hathaway stating why she could not provide the service charge request and not addressing the issue of the phone call.

23. 8/11/01: Joan Hathaway also writes that the rubbish complained of outside 14 & 12 belongs to flat 5. It is not communal area and is being cleared as works progress. Leaseholders/ residents maintain rubbish came from flat 21 and has been there for over four months.

24. 8/11/01: Ms Rawe Flat 3 reports the presence of mice in her flat to the porter.

25. 8/11/01: Ms Rawe says she checked with the porter to see if he had reported the presence of mice in her flat to MRJ. He said that he had.

26. 8/11/01: Joan Hathaway writes in letter dated 1/11/01 and received at HASKC on 8/11/01 that only flat 12 has complained of mice.

27. 12/11/01: Letter received From Joan Hathaway stating that MRJ did not know the names and addresses of the Directors and Secretaries of the Head Lessors Steel Services Ltd or the Freeholders Saxon Law Ltd.

28. 12/11/01: Letter received from Royal Institute of Chartered surveyor informing HASKC that an arbitrator had now been appointed to arbitrate in this matter.

29. 12/11/01: HASKC wrote to the Planning Section of Kensington & Chelsea local authority to stay planning application on the grounds that the case had been referred to an independent arbitrator.

30. 13/11/01: HASKC was informed by leaseholder that the rubbish was not collected from outside leaseholders flats on 12/11/01. That there was a week of rubbish collated in the basement of Jefferson House 11 Basil Street, which had not been cleared.

31. 13/11/01: A Mr ... phones to talk to manager of Nucleus / HASKC. Says that he is a freelance reporter. Refuses to state who has instructed him. Quotes Jefferson House 11 Basil Street. States HASKC is representing people with money. Manager explains that HASKC is representing people with money. He is interested in running a story on this. Manager points out that HASKC represents people in Kensington and Chelsea who are vulnerable. Irrespective of race, sexuality, gender, religion, financial means, age. We provide impartial advice and are interested in rights not privileges.

32. 28/11/01: a Mr Davies called Nucleus. He said he worked for Steel Services but refused to say in what capacity. Was very abusive to Ms Barlay, manager. He wanted to know why she was dealing with the case and said he would be referring her to the Law society. He was equally abusive to Ms Barlay's manager

NB

Please note as part of the chronology of events various correspondences have been sent to HASKC by MRJ. Date sent represents one date. Usually a few days after HASKC had written to MRJ. The date correspondence is actually received by HASKC represents a much later date (. See file for various examples as above.)