

# Residential Leasehold Management in 2012

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effective management

13 March 2012, London

6 Hours CPD

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## 9.00 Registration and Coffee

### 9.30 Chairman's Welcome and Introduction

*Professor James Driscoll, Solicitor*

### 9.45 Leasehold Management

- Licensing, regulation, accreditation, codes of conduct - what next?
- Accounting for service charges guidance
- Service charges - a cause for complaint or not?
- Green Deal and leasehold

*John Mills, ARMA*

### 10.30 Managing Leaseholds: An Overview of the Legislation

- Regulation of service charges under the Landlord and Tenant Act 1985
- Rights of first refusal under Part 1 Landlord and Tenant Act 1987
- Right to apply to the tribunal for the appointment of a manager under Part 2 of the 1987 Act
- Compulsory acquisition of the landlord's interest (Part 3 of the 1987 Act)
- Variation of leases (Part 4 of the 1987 Act)
- Service charges to be held on trust (Part 5 of the 1987 Act)
- Other statutory requirements (1985 and 1987 Acts)
- Amendments under Part 2 of the Commonhold and Leasehold Reform Act 2002
- Further amendments under Part 3 of the Housing and Regeneration Act 2008

*Professor James Driscoll, Solicitor*

### 11.15 Coffee

### 11.30 Service Charges: Interpretation of the Lease and the Statutory Consultative Procedures

- General guidance on the interpretation of leases
- How to know what service charges your lease will cover, in particular, legal costs, reserve and sinking funds and the effectiveness of sweep up clauses
- Understanding the service charge mechanism in the lease
- What consultation applies and when
- What is needed to properly consult
- What to do if things go wrong with consultation

*Mark Loveday, Tanfield Chambers*

### 12.15 Letting Flats: The Issues

- Tenancy types
- Houses in Multiple Occupation and landlord licensing
- Seeking consent to sublet
- The Housing Health & Safety Rating System
- Recovering possession

*David Smith, Anthony Gold Solicitors*

### 1.00 Questions

### 1.15 Lunch

### 2.15 The Right to Manage: The Cheaper and Simpler Alternative to Enfranchisement?

- Is it a good idea - the advantages and disadvantages?
- Why exercise the right to manage rather than enfranchise?
- An outline of the procedure
- Issues which can arise

*Nicola Muir, Hardwicke*

### 3.00 Tea

### 3.15 Dealing with Faulty Leases: Getting Leases Varied and Applying to the Tribunal for a Manager to be Appointed

- Practice and procedure
- Pros and cons of these remedies
- Recent key cases on variation of leases

*Daniel Dovar, Tanfield Chambers*

### 4.00 Leasehold Management: A Round up of Recent Court and Tribunal Decisions covering:

- Qualifying long term agreements
- Enfranchisement
- Landlord's consent
- Guarantees on assignment
- Other key cases in the law of residential landlord and tenant

*Anna Favre, Pemberton Greenish LLP*

### 4.45 Chairman's Concluding Remarks and Questions

### 5.00 Conference Close

# Residential Leasehold Management in 2012

Legal advisers and managing agents need practical, up to date and focused advice on the legal pitfalls which can arise in managing residential leasehold property.

This conference covers recent developments in statute and case law, and offers guidance on key areas such as service charges, dealing with faulty leases and the right to manage.

## Chairman:

**Professor James Driscoll** is a solicitor, an author and a Lawyer Chair of the Residential Property Tribunal. For 20 years he was a consultant solicitor with Trowers & Hamlins specialising in housing law. A prolific author of books and articles, he is the Consultant Editor to *Butterworths Residential Landlord and Tenant Handbook*, to *Halsbury's Laws* (vol 22 'Housing') and several other books and loose-leaf works. James is a consultant editor to the *Landlord and Tenant Reports* and he contributes articles to the *Estates Gazette*, the *New Law Journal* and other publications. He is also a well-known speaker at conferences on housing and property law and he has held several academic positions in England and the USA. He is currently a Visiting Fellow at Essex University. James has contributed to *Enfranchisement Explained* published by the RICS in 2010.

## Speakers:

**Daniel Dover** was called to the bar in 1997 and specialises in real property and leasehold law with an emphasis on landlord and tenant issues. This encompasses not only possession and forfeiture proceedings but also lease renewal, service charge disputes, disrepair and enfranchisement. As well as advising and litigating, Daniel regularly lectures and provides seminars on property related matters. He is also co author of the popular book *Residential Possession Proceedings* (8th edition Sweet and Maxwell) and writes for journals such as the *Landlord and Tenant Review*, *Solicitors Journal* and the *New Law Journal*.

**Anna Favre** is a solicitor at Pemberton Greenish and specialises in the areas of leasehold enfranchisement and residential landlord and tenant, acting for central London landed estates, companies and private individuals. She regularly presents and is published in these areas. Anna is also a member of the City of Westminster & Holborn Law Society, the Association of Women Solicitors and the Association of Leasehold Enfranchisement Practitioners (ALEP).

**Mark Loveday** is a specialist property litigator and a member of Tanfield Chambers. His work encompasses commercial landlord and tenant and property related chancery law. He advises and represents clients on boundaries and easements, sale of land, restrictive covenants, adverse possession (both pre and post Land Registration Act 2002) and land options. Mark is a part-time chairman of Leasehold Valuation Tribunals and Rent Assessment Committees and lectures and writes extensively on LVT procedure and legal issues. Mark's 'agony uncle' Brief Encounter column on residential property law appears in *The Times* every Friday.

**John Mills** worked in the management of leasehold housing for twenty years including senior positions for Hanover Housing Association, Anchor Trust and the Peverel Group. Since 1998 he has been an independent housing consultant specialising in the residential leasehold sector and was part-time policy officer of the Association of Retirement Housing Managers from 1999 to 2007. He has been a consultant for the Association of Residential Managing Agents (ARMA) since 2004 and now writes material for the regular members' e-mail circulars, guidance notes and summaries of LVT decisions. He is also a lay member of the Residential Property Tribunal Service.

**Nicola Muir** qualified as a solicitor in 1991 and was called to the Bar in 1998. Nicola advises on all aspects of landlord and tenant law and real property. In recent years, Nicola has developed a particular expertise in Leasehold Valuation Tribunal work including enfranchisement claims and service charge disputes. As well as appearing before the Tribunal on numerous occasions, Nicola has given seminars to both solicitors and surveyors in relation to its practice and procedure as well as the legal aspects of such claims.

**David Smith** is a solicitor at Anthony Gold and specialises in property law, particularly all aspects of residential, commercial and agricultural landlord and tenant law. He is regularly invited to speak before audiences for ARLA, the NAEA, and the RICS, particularly in regard to recent changes in legislation. He is a qualified mediator accredited by both the ADR Group and the Regents School of Psychotherapy and Counselling. David is a member of the Agricultural Law Association, the Chartered Institute of Arbitrators and the Association of Residential Lettings Agents.

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