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Whilst we make reasonable efforts to ensure our content is accurate and up-to-date, information and guidance in this webinar does not and is not intended to amount to legal advice in any particular case.

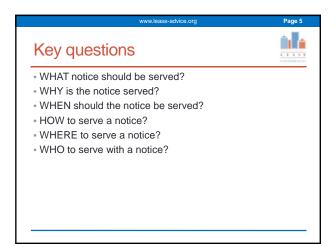
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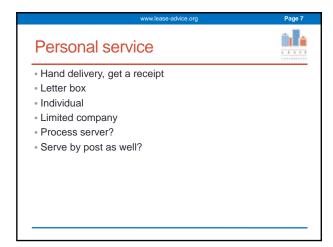
The six honest serving-men of leasehold property notices

Nicholas Kissen Senior Adviser 17th January 2013

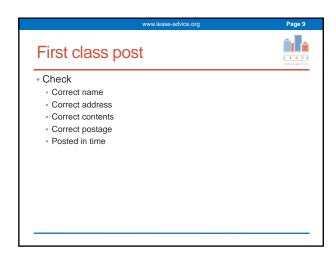
Relevant statutes Landlord and Tenant Act 1927 Recorded Delivery Service Act 1962 Leasehold Reform Act 1967 Interpretation Act 1978 Landlord and Tenant Act 1987 Leasehold Reform Housing and Urban Development Act 1993 Commonhold and Leasehold Reform Act 2002



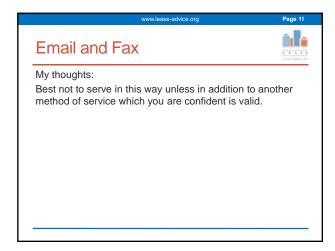












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Leasehold Reform Act 1967 – why	Ûı 🛍
and when?	LIABE
Notice of tenant's claim to acquire the freehold	
Starting gun	
Prescribed form	
Estate contract	
 Valuation date 	
 Limitations on forfeiture 	
 During term of the lease or its continuance 	
Costs	

Leasehold Reform Act 1967 — who? • Any person with interest superior to the lessee • Sch.3,para.8(1)(a) • Copies on • Any other person known/believed to have such an interest • Notice must state • Whether copies being served on anyone other than recipient and, if so, on whom • Mortgagee in possession • Receiver appointed by mortgagee or the court • Service on former landlord if lessee not served with notice of change • Section 23(2) of the 1967 Act

**Section 23(1) of 1927 Act * Deemed service * By personal service * Leaving notice at last known abode * In England and Wales * Leaving notice at last known place of business * In England and Wales * Registered post or recorded delivery to last known abode/business address * In England and Wales * Registered post or recorded delivery to last known abode/business address * In England and Wales * Section 1 of 1962 Act * Service on duly authorised agent of the landlord

Leasehold Reform Act 1967 – how? Can serve in other ways but need to show notice actually came to the recipient's attention Best to use one of the methods of service laid down in Section 23(1)

Leasehold Reform Act 1967 — where? Last known place of residence/business Landlord's address given for service of notices Section 48 of the 1987 Act Landlord's address given on demand for ground rent, service charges Section 47 of the 1987 Act Local/Public authority, statutory or public utility company

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Leasehold Ref	orm Housing and	m e
Urban Develop	oment Act 1993	LIADI
Notice under Section Information	on 11(1)	
 Notice under Section Information 	on 11(3)	
 Notice under Section Information 	on 11(4)	
 Notice under Section Starting gun 	on 13	

Section 11(1) of 1993 Act — who? Immediate landlord Any person receiving rent on behalf of the immediate landlord eg managing agent

Section 11(1) of 1993 Act – why? • Recipient to provide lessee within 28 days (so far as is

- known to them) the name and address of every person owning
 - A freehold interest in the building
 - Freehold of any property not contained in the building which is demised by the tenant's lease, or lessee entitled to use in common with others
 - Any superior leasehold interest in the building or other property

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Section 11(3) of 1993 Act – wh	10?
Notice served on any person who owns a fin the building	reehold interest

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Section 11(3)	of 1993 Act – why?	LTASE
known to them) the n apart from the lessee • A lessee of the whole of		
contained, or of any pro	nole or any part of common parts so operty not so contained, which is dem enant, or qualifying tenant entitled to	

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Section 11(4) of 1993 Act – who?



- Anyone with freehold interest in building or whole or any part of common parts which is demised by the lease or lessee entitled to use in common with other persons
- · Lessee of the whole of the building
- Lessee/licensee of any separate set of premises contained in the building
- Lessee/licensee of whole or any part of common parts so contained

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Section 11(4) of 1993 Act - why?



- · Information relating to
 - Recipient's interest(so far as is known by them) or any interest derived.

 - Whether property designated as exempt under Inheritance Tax Act 1984
- Right, on reasonable notice, to be provided with list of documents sight of which reasonably required by lessee which, on a proposed sale, seller would be expected to make available to buyer
- Right to inspect any such documents and seek copies

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Section 13 of 1993 Act – why?



- Starting collective enfranchisement claim
- Valuation date
- Landlord's costs
 - Section 33
- No further notice may be given whilst continues in force
- Prevents severance of freehold
- · Limitations on forfeiture
- Suspends statutory notice to extend term of lease

Section 13 of 1993 Act — who? Reversioner Relevant landlords Special categories Mortgagee in possession Landlord under disability Landlord with interest in trust University or college landlord Ecclesiastical landlord The Crown

Section 13 of 1993 Act – how?	LAD I
Notices must be in writing and may be sent by post Section 99(1)	
Service by post "Where an Act authorises or requires any document to be serve post (whether the expression 'serve', or the expression give' or 'send' or any other expression is used) then, unless the contrary intention appears, service is deemed to be effected by properly addressing, pre-paying and posting a letter containing the docur and, unless the contrary is proved, to have been effected at the at which the letter would be delivered in the ordinary course of p • 1978 Act Section 7	nent time

Section 13 of the 1993 Act — where? Only one signed original notice Last known place of residence or business Landlord's address given for service of notices Section 48 of the 1987 Act Landlord's address given on demand for ground rent, service charges Section 47 of the 1987 Act Copies to Every other person known/believed to be relevant landlord

Right to Manage — what? Commonhold and Leasehold Reform Act 2002 Section 82 Information Notice (pre-claim) Section 78 Notice of Invitation to Participate Prescribed form-different one for Wales Section 79 Claim Notice Prescribed form-different one for Wales Section 93 Information Notice (post-claim)

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RTM notices – how?	LIASI
Any notice in relation to RTM Must be in writing May be sent by post Section 111 (1) of 2002 Act	
 Service by post "Where an Act authorises or requires any document to be post(whether the expression 'serve', or the expression 'g or any other expression is used) then, unless the contrar appears, service is deemed to be effected by properly acp pre-paying and posting a letter containing the document the contrary is proved, to have been effected at the time letter would be delivered in the ordinary course of post" 1978 Act Section 7 	ive' or 'send' y intention ddressing, and, unless

Section 82 Information Notice – why/when/who? • Can be served once the RTM company is formed • Requires any person to provide company with information in its possession/control which company reasonably requires for ascertaining the particulars to be included in the Claim Notice • Company can inspect any document containing that information and obtain copies on payment of reasonable fee • Any person-agents, solicitors, accountants, letting agents • 28 days for recipient to respond • Seeking correspondence address

Section 78 Invitation Notice — why? Invite qualifying tenant to become member of the RTM company 14 days interval between service of Invitation Notice and service of Claim Notice Section 79(2)

_	
Section 78 Invitation Notice – who?	
RTM company serves anyone who is The qualifying tenant of a flat contained in the premises Neither is nor has agreed to become a member of the RTM company NB-issue with joint tenants	

Section 78 Invitation Notice – where? Notice may be given to a leaseholder at the flat in the premises UNLESS they have notified the RTM company of a different address in England and Wales at which they wish to be given the notice Service by hand is best

Claim Notice-why?/when? Starts the claim to RTM Relevant date Date for counter-notice Date for commencement of management Timing of acquisition date Ready to take over Service charge accounts Are the minimum number of leaseholders registered as members at relevant date?

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Section 79 Cla	aim Notice – who?	LEADE
RTM company serves	on	
 A landlord under a lea premises 	ase of the whole or any part of	f the
 A party to such a least tenant 	se otherwise than as landlord	or
0 11	I under Part 2 of the LTA 1987 nises, or any premises contair nises	

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Section 79 (Claim Notice – wh	no?
 Each person who of qualifying tenant of Section 79(8) 	ice must be given to on the date the claim notice is se f a flat in the premises lation tribunal or court by which	

Section 79 Claim Notice – where?



- Unless a landlord has notified RTM company that it wishes to be served at a different address a landlord may be served at an address given to a member of the RTM company under Sections 47 or 48 of the 1987 Act
- Can still serve at abode, registered office or principal place of business
- · Service by hand is best

Section 93 – Information Notice – why?



- Service charges
 - Arrears etc
- Insurance
- State of building
- Disputes
- · Liaise with managing agents

Section 93 – Information Notice – who?/when?

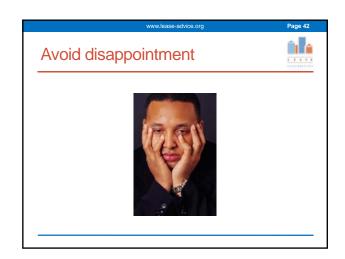


- Landlords, management companies under leases and 1987 Act appointed managers to provide information and/or provide copy documents reasonably required in connection with the exercise of RTM
- 28 days to reply but not before acquisition date
- Information in managers possession/power/control
- Could serve whenever needed after RTM acquired

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Final thoughts Double-check notice before serving Double-check name and address before serving HM Land Registry entries Problem of unregistered interests Where relevant serve copies on others Belt and braces Serve by hand, ordinary/recorded/registered post Absent/deceased freeholder









The Leasehold Advisory Service 020 7383 9800 info@lease-advice.org www.lease-advice.org Maple House 149 Tottenham Court Road London W1T 7BN

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14 February 2013 Cracking the Code – Understanding and implementing the RICS Service Charge Residential Management Code Why the Code matters Detailed analysis of the Code including Duties and conduct of a manager	
Best practice for budgeting/estimating Best practice for dealing with contractors How to approach disputes between occupiers Using the Code in court and tribunal proceedings Other useful codes	S