

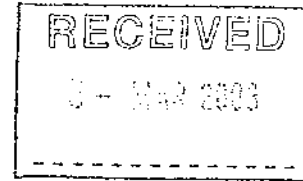
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Our Ref: JH/HV

4 March 2003

Another letter (like e.g. the 16 December 2002 letter from Ms Hathaway to me and her 20 January 2003 letter to the LVT) that bears the ANDREW LADSKY TRADEMARK

Dear Mr Gale

Jefferson House, 11 Basil Street, London SW3 1AX

Further to the copy of the Report that you forwarded to us received from Mr T Brock of Messrs LSM Partners, we have been asked by our mutual client to comment on those items which relate to the management of the building rather than the specification and tenders received.

For ease of reference I have used the same numbering as Mr Brock under paragraph 6 of his report.

11. As you are aware we have in fact already undertaken a partial survey of the drainage to the property following problems with rats in flat 1. The CCTV survey was undertaken by Rentokil and this did show that there were problems in certain areas in the drainage run that was investigated. We have of course forwarded the copy of the video to you for your information.
19. With regard to the asphalt roof, you will obviously be able to comment in respect of the proposal to repair rather than renew the existing asphalt roof.

We do however wish to make a comment regarding the proposed penthouse. The original application for planning permission was submitted in 1998. As you are aware the submission of a planning application does not necessarily ensure that the project is viable and we understand that although planning permission was granted it was subsequently found that the scheme was not a viable proposition. The planning permission was renewed in 2001 to ensure that it remained open and at the current time there are no plans to build the penthouse at the property. As you are aware there are problems with water penetration into both the bedroom and the bathroom of flat 34 and in addition to this there had been a number of leaks in various places over a number of years. Flat 35 is now also suffering significant water ingress.

See section Major Works on how "not viable" the "scheme" actually was - and what the "no plan to build" resulted in

Andrew Ladsky's flat

Contd/....

20 We would confirm that there have in fact been problems with water penetration into the 3rd floor flats below the top floor i.e. flats 32 and 33. This has been caused by the gable roof and downside gutters over a number of years.

21 We would inform you that the pigeon netting to the property has been in place for a number of years and was in fact installed by Rentokil, one of the country's leading experts in pest control.

27 **There is a continual problem of reliability with the lift** and we enclose herewith a copy of a letter from the Lift Engineer detailing the call outs to the property over the last six months. This list only deals with the emergency call outs and obviously there have been other visits in respect of normal maintenance when other matters have been dealt with. **The general consensus of both the mechanical report and also that of the lift engineers who maintain the lift on the daily basis is that the lift has reached the end of its useful life.** There are a large number of elderly residents in the property who rely on the lift and the recent unreliability has caused a number of problems for them. They are entitled to expect a reliable lift and although we appreciate Ms Dit-Rawe resides in the basement area and does not use the lift, this however does not release her from the obligations under the terms of the lease to pay for its refurbishment.

Oh dear, oh dear! Ms Rawe is SO inconsiderate of the "many" (???) "elderly residents"

34 **The sinking fund** has not been utilised to contribute to the cost for the works as sums involved would be insufficient to cover the cost of the contract. The reserve fund is being held back in case of any emergency including any works required prior to this contract being instigated. The reserve fund was not increased to a high level as discussions with the then active Residents Association under the Chairmanship of Mrs [REDACTED] did not want the service charge increase to provide large reserve but to pay as and when major works were required. The building was constructed in 1860 and therefore it is prudent to ensure that although sufficient funds are not available to undertake the full contract there are funds available should emergency works be required in the short term.

35 The lease does not state that there should be freedom of worry from unexpected repair bills and as such in this particular block people prefer to be billed as and when works are required of a major nature rather than **large reserves accumulated which they do not have in their individual control.**

Vs. her letter of 7 June 2001

v. point 63 of the 17 June 2003 LVT report

v. the fact that her client took it into consideration in its 21 Oct 03 'offer' to me (This was not for the majority of my fellow leaseholders - see 29 Aug 06 letter to me from the Institute of Chartered Accountants for England & Wales - which is ILLEGAL - see Pridie Brewster

Contradicted by LVT under point "page 11 - 16.25 and 16.26" of its 17 June 2003 report

Easy to blame the person running the Res. Association as Mr Ladsky succeeded in making her leave the block due to making her endure appalling harassment and intimidation (See sections on site 'Head Residents Asso'. and 'Notices by landlord')

Compare this with:

(1) Brian Gale point 2.03 of his 13 Dec 02 "Expert report to the LVT" "...serious nature of the dilapidations and disrepair noted"

(2) his 24 Feb 03 report to the LVT, under point 5.09 "...the building is in dire need of significant works..."

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We would inform you that works were undertaken to the structure of the building as needed; however we were fully aware together with the Residents Association headed by Mrs [REDACTED] that the external and internal redecorations of the property were due. The Residents Association did not want to go ahead with the external redecorations pending the outcome of the original planning application submitted in 1998 despite our informing them that works were required. They wished to wait until the penthouse was built which would have relieved them of the cost of paying for a new roof. When it was obvious that the penthouse was not going to be built the deteriorating condition of the roof, lift and boiler together with the external redecoration caused us to start the procedure which resulted in the specification and tenders that are now before the Tribunal.

Obviously the residents have significantly benefited from the delay in the redecoration as otherwise they would by now have had to pay twice for the external and internal redecoration including the scaffolding. !

- 36 We would advise that the boilers are working, however, the system is not functioning satisfactorily the problem not least being that the top floor flats do not receive sufficient heating in the winter months. Under the terms of the lease they are entitled to receive adequate heating and therefore steps need to be taken to ensure this is achieved.
- 38 As you are aware from our previous schedule the external redecoration is some 9 years old and although it is deteriorating it has lasted well for that time scale. The last external redecoration was undertaken by Messrs Mullen and Lumsden who are part of the Harry Neal Group who as you are aware are a well known company with high standards of work.
- 39 We agree that damaged asbestos should be dealt with, however, at the initial inspection the ceiling was not damaged as shown in your photograph and therefore we are concerned as to when this damage was done.

Repair v Improvement

We note the bullet points produced by Mr Brock and would comment as follows:

The fire alarm system proposed under the specification has been accepted by 34 out of the 35 tenants at the property. It will be of benefit by increasing the safety of all residents particularly those on the higher floors where adequate warning could potentially save lives. Ms Dit-Rawe is lucky in being in the basement area and therefore having an emergency exit via the windows of her flat in addition to her front door.

Oh dear, oh dear! Ms Rawe is SO inconsiderate!

Contd/....

The list as detailed in the attached letter from Amalgamated Lift requires substantial work and it is not financially viable to repair a lift where, as in this case, the components are obsolete and no longer obtainable. The comments in respect of the porter's area do not take into account the fact that at the time of the construction of the area the need for major works was anticipated and therefore only a basic room was provided for him. **The old porter's flat was sold by the head-lessee at arm's length as part of the assets of the head-lessee and was not owned by the lessees of the property.**

With regard to ventilation, as Mr Brock has mentioned in his report, there are substantial problems with heat in the block and there is no means of natural ventilation for the whole area. Previous attempts to ventilate this area by way of non-mechanical means have not worked and therefore it is essential for the benefit of the porter and the residents that some form of ventilation be provided to the hallway area. **It must be remembered that the property is located in Knightsbridge only some fifty metres from Harrods and therefore the standard of decoration should reflect its location.** The use of recessed down lights is not significantly more expensive than the replacement of the existing light fittings and as a **large majority of people within the block have paid they are obviously in agreement with this.**

The comments in respect of the carpet are noted, however Mr Brock agrees that the entrance carpet has many defects and is in fact threadbare and shrunken in a number of places. Obviously there are areas where wear is not a substantial problem but you cannot have a patchwork quilt of different carpets within the building. The pictures taken of least wear are taken on the 3rd floor where there is very little traffic but the areas which have been used substantially by lessees, visitors and tradesmen are in need of renewal. The minor point of the plant in the reception area fails to acknowledge that there is already a display in this area and in fact provision of a better flower/plant display in the reception area was one of the main points that the previous Residents Association was keen to ensure happened.

We have already mentioned the question of ventilation to the common parts and dealing with the porter's room.

But there are 11 leaseholders on the 29 Nov 02 WLCC claim - representing a total of 14 flats

We would point out **that there are 5 people who have not paid and the vast majority are in agreement with the specification, tender and cost of the works involved.** We are being contacted by Residents at the property requesting to know when the works will be started as they wish to see an improvement in the appearance of the building. **They are concerned that one lessee is delaying the implementation of the works and also possibly increasing the costs to those lessees that have already paid their contributions due to the time delay and increase costs required by Kilby and Gayford Limited**

Note (1) We, leaseholders, were specifically told at the 29 Oct 02 pre-trial hearing to NOT pay the 'service charge' - UNTIL the tribunal had issued its determination - and it had been implemented. In fact, WLCC was instrumental in making 7 leaseholders pay BEFORE the tribunal issued its report - and the majority paid the full amount demanded: ICAEW letter of 29 Aug 06.

(2) Point 64 of the 17 June 2003 LVT report (i.e. more than 3 months after this letter from Hathaway) "...the Respondent and other tenants (NB !!!) could not be forced to contribute in the case of improvements and / or works not determined as reasonable by the Tribunal"

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I trust that this assists you in replying to Mr Brock's report and deals with the points that do not specifically relate to your work.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Joan Hathaway', with a large, stylized flourish at the end. To the left of the main signature, there are smaller initials 'P.M.'.

JOAN HATHAWAY BSc MRICS
for Martin Russell Jones

Encl - You have already received them separately