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## **DEALING WITH ANTI-SOCIAL NEIGHBOURS IN LEASEHOLD BLOCKS OF FLATS**

Noise, barking dogs, abandoned vehicles, damage to the common areas and harassment are just some of the things people can experience when living in a community. This sort of anti-social behaviour, however, becomes magnified if you live in a block of flats - the sheer proximity of neighbours sees to that. So if you live in a block of leasehold flats what can you do?

“Many lessees believe that managing agents, where one is employed, or the landlord have a big stick to wave at anti-social behaviour in blocks of flats. This is not so. Most leases will contain covenants which say leaseholders shall not cause, say, nuisance and annoyance to neighbours. There may be more specific restrictions such as no loud music between say 11pm and 7.30am or that floors should be carpeted,” comments Brett Williams, chairman of the Association of Residential Managing Agents (ARMA).

“These clauses are all well and good but in practice difficult to enforce for several reasons. Firstly, the meaning of the covenant should be clear before considering enforcement; any benefit of doubt over the meaning will always be given to the offending lessee. The lease may not contain a clause that requires the landlord to enforce the covenants; if it does not there is no obligation on the landlord to take any action. Even if the lease does contain a clause requiring the landlord to enforce the covenants against other lessees (a mutual enforceability covenant) there is usually a catch; the catch is that the complaining leaseholder suffering the noise or nuisance will have to pay the landlord’s costs of enforcing the covenant.”

The legal remedies open to the landlord are an injunction or forfeiture both of which could be time consuming and costly for the lessee. For these reasons, the more practical route for a landlord or his managing agent faced with distressed lessees complaining about anti-social behaviour from neighbours, is to offer advice on how they can take better and cheaper action themselves which ARMA has done in the form of a new Lessee Advisory Note, *Anti Social Behaviour*.

The advisory note explains practical steps lessees can take themselves, what local authorities and the police can do and comments in more detail on the common anti-social behaviours. It goes on to explain how ASBOs (Anti Social Behaviour Orders) and local authority injunctions can be obtained and includes information on premises closure orders. It also provides a list of where to find further information and help.

“It is never pleasant when a neighbour becomes selfish and disregards the rights and comforts of others”, concludes Williams. “However, we hope this new Lessee Advisory Note will help leasehold flat owners obtain their right of ‘peaceful occupation’ and understand the issues which agents and landlords face”.

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## Notes to Editor:

### 1. About ARMA

Formed in 1991, ARMA is the only body in England and Wales to focus exclusively on matters relating to the block or estate management of long leasehold residential property. With over 220 corporate members managing in excess of 800,000 units in more than 32,000 blocks of flats or estates (at least 60% of which are lessee-controlled properties), the Association's founding principal aims are to represent its members and the interests of lessees, resident management companies and investor freeholders.

2. For further press information contact David Hewett on 020 7622 6123 or [david@arma.org.uk](mailto:david@arma.org.uk)

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Enclosed: *Lessee Advisory Note 12: Anti Social Behaviour*