

Dealing with Anti-Social Behavior (ASB)

I'm sorry to hear that you have recently suffered from Anti-Social Behavior (ASB) and reluctantly inform you that in reality, there is very little intervention that Maison UK can offer directly.

I'm sure that you understand that the property from where the nuisance is originating is privately owned (and possibly sub-let and tenanted through a Lettings Agency).

Ultimately, our only course of action (as managing agent) is to enforce a Breach of Lease against the Leaseholder or a Breach (not the occupant and only if it can be proved that a breach is occurring). Maison UK only has one remedy available. Through a Court/Tribunal process, we can act on behalf of all the residents at your development and seek to re-possess the property from the leaseholder of the property causing the problem. There are no part measures to this process (no such thing as a warning or condition that can be applied).

The course of action is absolute – Forfeiture of the Lease, effectively causing a repossession as a breach of the lease.

Maison UK also has to face the reality of the legal system being unlikely to take the action to make any person homeless as a result of a relatively minor ASB incident unless the circumstances were extreme.

In order to pursue such a course, we would have to spend a considerable amount of costs for legal advice, legal process etc. and these would be charged to the scheme accounts with very limited guarantees of success. We would also require the general support of the entire development for incurring these costs.

Consequently, we achieve these goals by referring you (the complainant) to the free services that you receive from your local council's Anti-Social Behavior Team. [See your Local Government Website for details]. The ASB team have a range of methods (independent witnesses, CCTV, sound recording devices, etc.) available to you at no cost to you or the scheme to collate evidence of this ASB. They can also offer free advice to the Leaseholder on Tenancy Management issues (if this property is sub-let).

This team will investigate the problem free of charge and where possible, take appropriate action against the tenant/occupiers and the leaseholder of the property concerned.

The Council also has a range of options available to them to resolve the problem at varying levels (eg injunctions against the occupiers). If their conclusion is that repossession is the only course of action available, Maison UK would get involved at this stage and apply for a Breach of Lease with the First Tier Tribunal (FTT) for a decision. The FTT will not consider such an application to effectively make someone homeless unless all options have been considered beforehand – hence the referral to the Council's ASB Team. Also, if the Council's ASB Service deem the complaint not to be resolvable by this method or the complaint unjustified, we too would take no further action at their conclusion.

The only other solution is for you to employ a private investigation service (at your own cost) that would satisfy the criteria of a FTT dispute.

I suggest that this would be costly to you and have limited guarantee of success.

However, having stated the above:-

I can write to the Leaseholder of the property at the source of the nuisance advising them of the problems their occupants/tenants are causing. Where applicable, I will highlight the clauses within their lease agreement where they are in Breach.

This course of action often resolves many problems, especially if I suggest that our only course of action is to apply for a 'Breach of Covenant' against the Lease.

The Leaseholder concerned should/may take action within their Tenancy Agreement with their individual Tenant.

Hopefully, this would resolve the nuisance. However, if the leaseholder takes no action, Maison UK will revert to referring you (the complaint) to the Local Council's ASB Team.

If you want me to take this approach, please let me know with some basic details of the nuisance:
Eg type of noise, times of day, days of the week, etc.

I understand that this information may leave you somewhat unhappy with the approach that Maison UK takes in these matters but this is both normal practice for Property Management Companies and ultimately, the only formal course of action available to us.

It is important for both Maison UK and you (the Leaseholder) that you understand from the outset what can and cannot be achieved.