

## Leaseholder Service Charge Dispute Procedure

Nottingham City Homes aims to provide a fair and reasonable service charge and collection service. However there may be occasions when a leaseholder feels that NCH have miscalculated or charged for work that may not have been completed. This procedure aims to address and resolve these issues. However if you have a complaint that relates to another issue such as repairs please refer to the Nottingham City Homes Compliments, Comments and Complaints Procedure

### Enquiries

You can make an initial enquiry with the **Leaseholder & Rechargeable Repairs Team** by writing to us at: **Nottingham City Homes Ltd, 14 Hounds Gate, Nottingham, NG1 7BA**

Telephone: 0115 915 7385

Email: [leaseholders@nottinghamcityhomes.org.uk](mailto:leaseholders@nottinghamcityhomes.org.uk)

If you are not satisfied with the response you receive the following options are available:

- Nottingham City Homes Compliments, Comments and Complaints Procedure
- Apply to the Leasehold Valuation Tribunal (see page 3)
- Apply to the Local Government Ombudsman (see page 5)

### Nottingham City Homes Compliments, Comments and Complaints Procedure

We have a three-stage process for dealing with complaints.

**Stage 1:** Complaints will be investigated by a dedicated officer within the relevant service area. On occasion a responsible individual from another area will consider the complaint to ensure the investigation can be impartial.

**Stage 2:** A complaint will proceed to Stage 2 if the time limit for Stage 1 has been exceeded and the customer wishes to progress to the next stage; or the customer has received a response but remains dissatisfied. Complaints at Stage 2 will be reviewed by the relevant service manager within NCH. We have agreed to offer customers a 'problem solving meeting' to try and resolve their complaint.

**Stage 3:** A complaint will proceed to Stage 3 if the time limit for Stage 2 has been exceeded and the customer wishes to progress to the next stage; or the customer has received a response but remains dissatisfied. The complaint will

be considered by a Nottingham City Homes Board Appeals Panel, usually comprising of three voluntary members, at least one of whom will be a tenant or leaseholder. Our policy states our commitment to arrange a time and venue to suit the customer. If customers do not wish to attend an Appeals Panel written details can be submitted instead. In preparation for the Panel, the complaint will be investigated by a NCH Assistant Director/Head of Service. If the complaint is about a policy that cannot be changed or if the response at Stage 3 will be a reiteration of the response at Stages 1 and 2, Nottingham City Homes reserve the right not to escalate the complaint to Stage 3.

When we receive a complaint, we have committed to:

- Contact the complainant in writing to confirm the name of the person investigating and the date by which we will provide a full response;
- At stage 1, aim to provide a full response within five working days. At stage 2, aim to provide a full response within ten working days. If longer is required a letter will be sent within these timescales to explain the reasons for the delay and confirm the date for a full response;
- Complainants at Stage 3 will be advised of the meeting date for the Operational Board Appeals Panel within 15 working days of NCH receiving the complaint, but it is unlikely that the meeting will take place within this period;
- At each Stage, we will write to the complainant detailing the outcome of the investigation and what they can do if they are not satisfied with the way that the complaint has been handled;
- At any point we will be happy to visit the complainant or to arrange a meeting to discuss the complaint if they let us know their request; and
- After we have responded to the complaint if we do not hear within 28 days we will assume the complainant does not wish to take the matter further.

## **Outcome**

In circumstances where you continue to be dissatisfied with the outcome of the Complaint, as a leaseholder you have the right to apply to the Leasehold Valuation Tribunal (LVT) service and the Local Government Ombudsman.

As part of our Service Standards we are committed to ensuring issues are resolved. NCH would like to work with Leaseholders at an early stage without the need for you to go to a Leasehold Valuation Tribunal and the Local Government Ombudsman. As a Leaseholder you are entitled to use which ever means possible to resolve your dispute

## Applying to the Leasehold Valuation Tribunal

### What is a Leasehold Valuation Tribunal (LVT)?

LVTs are part of the Residential Property Tribunal Service (RPTS) and provide an accessible and relatively informal way to resolve residential leasehold disputes. Each LVT usually consists of three members: a lawyer, who is often the chair person, a valuer and a lay person. The LVT is entirely independent and impartial in its approach. There are five regionally based LVT offices (London, Northern, Midland, Eastern and Southern) plus one for Wales.

Proceedings at the LVT are semi-formal. Neither side is required to be represented by a barrister, solicitor or valuer, evidence is not given on oath and the usual court rules do not apply. However, parties appearing before an LVT may wish to seek professional advice, and it is sensible to arrange representation if the argument relates to the interpretation of the law or the terms of the lease. In cases of a technical nature, the LVT is usually assisted by expert evidence from a valuer or experienced property manager.

### Applying to the LVT

You as the leaseholder or Nottingham City Council as the landlord can apply to the tribunal to settle a dispute over charges. You can apply to a tribunal independently and are not obliged to have gone through the Nottingham City Homes complaints procedure beforehand. The tribunal will decide:

- if the cost of the services we are charging for is reasonable and fair
- if the work being charged for is of a reasonable standard
- if the amount we are asking for in advance is reasonable

However, applications cannot be made where the issue has been:

- agreed or admitted by the leaseholder
- determined by a court;
- referred to arbitration. Any reference to arbitration must be with the leaseholders' agreement following the dispute arising; or
- (has been) the subject of determination by arbitration as a result of an agreement after the dispute has arisen.

The application must be made on the correct form where one is required, and in the proper manner. The LVT produces model application forms and these are available in printed form from the local LVT or can be downloaded from the LVT website <http://www.rpts.gov.uk/> Guidance also is provided on how to complete the forms.

Any application to the LVT will require the preparation of a proper case. The LVT has to consider the argument and evidence from both sides and it is essential that applicants present their case properly. Where there is a hearing, members of the LVT may ask questions, but their function is to make a decision on what is before them, not to find the evidence for themselves.

### **Cost of using an LVT**

Most applications to the LVT are subject to payment of a fee between £50 to £500 but the cost is dependent on the type of dispute (please refer to the website below for up to date information) For applications relating to the challenge of costs, the initial fee is based on the amount in question; for other applications it is based on the number of flats to which the application relates. Where an application covers both cases, the application fee will be whichever is the greater. Further details are available at:

[http://www.lease\\_advice.org/aplvtmain.htm](http://www.lease_advice.org/aplvtmain.htm)

### **Decisions and enforcement**

The LVT delivers its decision in writing as soon as possible after the hearing. The decision becomes final four weeks later, provided no notice of appeal is given. Any order made by the LVT may be enforced, with the permission of the County Court, in the same way as a County Court Order.

## **Local Government Ombudsman**

### **What is the Local Government Ombudsman (LGO)?**

The Local Government Ombudsman looks at complaints about councils and some other authorities. It is a free service. Their job is to investigate complaints in a fair and independent way.

### **Applying to the Local Government Ombudsman**

If you remain unhappy you can apply to the Local Government Ombudsman. The LGO is contactable at PO Box 4771, Coventry CV4 0EH

Further information is available at: <http://www.lgo.org.uk/>