



Department for  
Communities and  
Local Government

**Department for Communities and Local  
Government**

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Our Ref

Thank you for your letter of 19 December, on behalf of the Clarence Park Residents' Association, [REDACTED]

[REDACTED] about leasehold law and their managing agent, Fortis Living.

I am sorry to read about the residents' experience with Fortis Living. However, I am unable to intervene or comment on individual cases but I hope that the Clarence Park Residents Association find the following of some help.

I note the Residents have taken the right step by taking their complaints to the Housing Ombudsman who are currently investigating the matter.

The Government is aware of growing concern about the quality of service that some managing agents provide, which is why in October 2014 we introduced legislation. This requires letting and managing agents in England to belong to one of three approved redress schemes. This offers a clear route to pursue complaints; weed out the cowboys that give agents a bad name; and drive up standards. The redress schemes gives an avenue through which, for example, day-to-day issues can be resolved.

Similarly, all Housing Associations and local authorities must be a member of the Housing Ombudsman and the Clarence Park Residents are aware that Fortis Living is a member of the Housing Ombudsman. The Housing Ombudsman looks at complaints about registered providers of social housing, for example housing associations, and other landlords, managers and agents. The service is free, independent and impartial. They consider complaints about how a landlord has responded to reports of a problem.

More generally, leaseholders' rights include the right to buy the freehold of their property (enfranchise) and extend the lease; the right for leaseholders of flats to exercise the Right to Manage their block, the right to be consulted about major works and long term agreements; and the right to challenge the reasonableness of service charges at an independent Tribunal.

Where there are significant failings by the Managing Agent, leaseholders can ask the First-tier Tribunal to appoint a manager under section 24 of the Landlord and Tenant Act 1987.

There are protections against forfeiture in place, and two codes of management practice setting out the law and best practice have also been approved by the Secretary of State, and must be taken into account at court or tribunal proceedings where relevant.

Many management agents of retirement schemes are members of the Association of the Retirement Housing Managers (ARHM), the aim of which is to promote high standards of practice and ethics on the management of retirement housing.

The Association has produced its own code of practice, approved by Government as representing best practice in the retirement housing industry. Managers who are members of the ARHM promise to manage not only according to lessees' legal rights, but also according to the code of practice.

For example, managers will provide:

- right to have the receipts and invoices supporting the annual accounts available on your estate for inspection;
- right to an annual meeting to consult on changes to service charges;
- right to a comprehensive leaseholder's handbook;
- right to set a response time for replying to correspondence or organising repairs.

As part of the code of practice and ARHM's rules, lessees are also given some additional remedies. For example all ARHM members must have procedures that allow lessees to make complaints and access to redress at a senior level;

All ARHM members agree to make a copy of the code of practice available for reference at each retirement housing estate they manage. I would suggest your constituents ask Fortis Living to see it.

The Department cannot provide legal advice, however, you may benefit from seeking free initial advice via the Leasehold Advisory Service's (LEASE) website ([www.lease-advice.org](http://www.lease-advice.org)). LEASE is a specialist advisory body funded by the Department for Communities and Local Government to provide assistance to leaseholders. Alternatively, a telephone appointment can be booked to speak to one of LEASE's legal advisers on 020 7832 2500 (9.30am to 3.00pm Monday to Friday); or you can seek advice by e-mail: [info@lease-advice.org](mailto:info@lease-advice.org).

