

Dilapidations & Party Wall Act



Dilapidations:

Dilapidations can be described as a state of disrepair in a property, or condition of that property that requires works to rectify it and there is a legal liability to remedy, or undertake that work.

Sanderson Weatherall Building Consultancy employs Chartered Surveyors with wide ranging dilapidations expertise and years of experience in providing professional advice to both landlords and tenants on dilapidations matters covering the following:-

For a landlord we will:-

- Advise on tenant liability under the lease for repairs, redecoration and reinstatement either during the lease or at expiry.
- Provide input on works required to maintain the value of the landlords asset.
- Prepare intermediate reports during a lease on possible courses of action where tenants are neglecting the property and their lease responsibilities.
- Prepare fully costed Terminal Schedules of Dilapidations and in conjunction with Solicitors, ensure this is served on the tenant.
- Following the above, we will then negotiate with the outgoing tenant to either carry out an agreed schedule of work or on adequate compensation in lieu of their liabilities.

For a tenant we will:-

- Review potential dilapidations liability at any time during the lease in order to provide financial planning advice.
- Advise on works to implement to mitigate future financial obligations relating to lease liabilities.
- Negotiate any claim served by the landlord to ensure cost obligations are minimised.

The Civil Procedure Rules cover the progression of any legal cases should negotiations fail to arrive at a satisfactory agreement. All our work is undertaken in accordance with protocol drafted by the Property Litigation Association which sets out standards for the efficient conduct of pre-action litigation.



Winners for the sixth consecutive year



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**Party Wall Act:**

The Party Wall etc. Act 1996 is an enabling act that allows the development of land whilst protecting the rights of the adjoining owners. It gives various rights but imposes significant responsibilities on owners of buildings and structures who intend to carry out work affecting party walls and party fence walls or who intend to excavate close to a boundary.

As a building owner who wants to undertake work, you will need to consider the implications of the Act and whether your works will be affecting adjoining owners. As an adjoining owner, you may know of work being undertaken on an adjoining property which could affect your own. Either way, the act is there to protect your interests and those of your neighbours.

The Act sets down a procedure to ensure disputes are resolved to the agreement of both building owners and adjoining owners. The procedure is novel but speedy and covers the appointment of surveyors who must agree an Award which covers precisely what work is undertaken and when, rights of entry and fees for the adjoining owners surveyor.

Sanderson Weatherall Building Consultancy have specialist expertise in Party Wall matters and can provide advice on any proposed works. We can act for either party to ensure that an Award is agreed which will allow works to go ahead expeditiously with all owners rights protected.

When we act on behalf of a developer, we will analyse the development and provide advice on the implications of the Party Wall etc. Act. We are able to offer solutions to boundary matters and suggest cost effective methods of constructing properties on or near a boundary. We can then serve the necessary notices and implement the provisions of the Act.

When acting for a neighbouring owner, we will ensure that the terms of the Party Wall etc. Act are complied with and ensure the proper recognition and protection of your rights is given.

**Insurance Valuations // Pre-Acquisition Surveys // Dilapidations // Party Wall Advice
Planned Preventative Maintenance // Architectural Services and Planning // Employers Agent
Design and Contract Administration // Project Management // Construction Monitoring**

