

A Guide to the Building Safety Act 2022



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Purpose of the Building Safety Act 2022

The purpose of the Building Safety Act 2022 is to secure the safety of people in or about buildings and to improve the standard of buildings.

The Act established the HSE as the Building Safety Regulator for a new class of building - Higher Risk Buildings, removing building regulation compliance duties from the local authority and approved inspectors. The BSR adopted these duties on 01 October 2023.

Not all Sections of the Act have commenced and further guidance and secondary legislation is required before those parts are effectively enacted.

Piecemeal guidance is being issued by the Government clarifying and implementing aspects of the Act.

RICS has very recently provided outline guidance about some of the implications and consequences of the Building Safety Act 2022 in a Q&A format. This provides a helpful outline guide to the Act generally but further specific guidance for surveyors and legal advisers is still awaited.



Higher Risk Buildings

Higher Risk Buildings

Part 4



A Higher Risk Building is defined as a building that is at least 18 metres tall, or one that has 7 or more storeys; and contains at least 2 residential units (dwelling or other unit of living accommodation).

Any Higher Risk Building will require a Completion Certificate from the Building Safety Regulator for a relevant part of the building before that relevant part of the building can be occupied.

This will include alterations to existing buildings where those works result in the building meeting the definition of a Higher Risk Building.

The Relevant Accountable Person commits an offence if a relevant part of the HRB is occupied before a Completion Certificate is issued for that relevant part of the building. Existing buildings that meet the definition of a Higher Risk Building on account of alterations undertaken to that building will also need to be registered with the BSR.

A person guilty of an offence is liable to imprisonment of up to 12 months on summary conviction for either-way offences or a fine or both, or upon conviction on indictment, imprisonment for up to 2 years or a fine or both.

Higher Risk Buildings Registration

The Accountable Person (AP) or Principal Accountable Person (PAP) for an existing occupied Higher Risk Building needed to register the building with the Building Safety Regulator by 01 October 2023. The registration scheme commenced on 12 April 2023. Higher Risk Buildings can be registered online via the link below.

<https://www.gov.uk/guidance/register-a-high-rise-residential-building>

If a PAP or AP failed to register an occupied Higher Risk Building before 01 October 2023, they will be guilty of an offence.

A person guilty of an offence is liable to imprisonment of up to 12 months on summary conviction for either-way-offences or a fine or both, or upon conviction on indictment, imprisonment for up to 2 years or a fine or both.

The person guilty of an offence will also be liable on summary conviction to a further fine not exceeding Level 1 (£200) for each day the default continues after the conviction.

The AP or PAP will need to complete the official registration form and supply the following information:

- a. The number of floors above ground level
- b. The height of the building
- c. The number of residential units
- d. The year of construction
- e. The property address
- f. Details of all APs and the PAP

A registration fee of £251 per building will apply.

Once the building is registered, Key Building Information will be requested by the Regulator.

A guide to registering a Higher Risk Building and details of the information required are detailed in the link below.

<https://www.youtube.com/watch?v=KILKkze6XOE>

Higher Risk Buildings

Key Building Information

The Higher Risk Buildings (Key Building Information etc.) (England) (Regulations) 2023 came into force on 06 April 2023 and requires a PAP or AP to submit further Key Building Information to the Regulator within **28 days** of registering the HRB with the Regulator.

The required information should be submitted electronically and includes details of:

- a. Any ancillary buildings
- b. Use
- c. Materials
- d. Structure and fixtures on external walls
- e. Storeys and staircases
- f. Types of energy supplied to and in use at the building
- g. Emergency Planning

Higher Risk Buildings

Golden Thread of Information

In addition to the Registration of a Higher Risk Building and the provision of Key Building Information, the Accountable Person will need to gather and maintain certain information about the building in digital format. That information will likely include:

- Completion Certificates
- Specification or Certification for important materials including cladding
- Drawings and construction details
- Resident profile
- Fire prevention and protective measures
- Structural Safety
- Details of services and utilities
- Maintenance and Inspection regimes

Higher Risk Buildings

Next Steps

- The Golden Thread of Information will be required as part of the Building Assessment Certificate process for each Higher Risk Building.
- HSE Guidance currently states that the process of obtaining a Building Assessment Certificate will commence in April 2024 and it is being unofficially reported that the registration scheme will be open for a period of about 5 years.
- The BAC application process requires a Building Safety Risk Assessment to be undertaken to identify Building Safety Risks. Measures must then be introduced to manage Building Safety Risks and a Safety Case Report should then be prepared.
- The Safety Case Report, a Residents Engagement Strategy and details of the Mandatory Reporting Occurrence System must be submitted to the Regulator as part of the BAC application process.
- The BAC, once issued by the Regulator, must be displayed in a prominent position together with information about the Accountable Person and any relevant Compliance Notices.



Higher Risk Buildings

Accountable Persons

The Accountable person is;

- A person who holds a legal estate in possession in any part of the common parts, or
- A person who does not hold a legal estate in any part of the building but who is under a relevant repairing obligation in relation to any part of the common parts.

A Principal Accountable Person (where applicable) is;

- The party described above that is also in legal possession of or is responsible for the repairing obligations of the structure and exterior of the building.

Summary of Accountable Person Duties

The AP is liable to register the Higher Risk Building and submit Key Building Information to the Regulator.

The AP shall assemble the Golden Thread of Information.

The AP for an occupied HRB must promptly take all reasonable steps to prevent a Building Safety Risk materialising and reduce the severity of any incident resulting from such a risk materialising. This may involve the AP carrying out works to the part of the building for which they are responsible.

The AP shall commission the Safety Case Report for the building.

The AP shall also prepare a Resident's Engagement Strategy to promote participation of Relevant Persons in making building safety decisions.

The AP shall apply for the Building Assessment Certificate once the scheme commences in around April 2024.

Higher Risk Buildings

Costs for Building Safety Measures

Part 4 Section 112 inserts additional clauses into the Landlord and Tenant Act 1985.

New Section 30C states that there are new implied terms for the Landlord and Tenant with respect to their duties including providing access to Landlords to undertake works relating to Building Safety Risks.

New Section 30D is inserted with respect to a lease for 7 years or more and where a service charge is payable. In those circumstances additional costs can be recovered through the service charge arising from the Landlord fulfilling their duties under the BSA 2022 which include –

- Applying for registration of the building;
- Applying for a Building Assessment Certificate;
- Assessing Building Safety Risks;
- Taking steps to manage Building Safety Risks, other than the carrying out of works*;
- Preparing a Safety Case Report;
- Establishing a Mandatory Reporting Occurrence System
- Establishing a Resident’s Engagement Strategy

*See Schedule 8 for recovery of costs for carrying out the works.

New Clause 20F is also inserted and confirms that Excluded Costs cannot be recovered through the service charge such as penalty charges, legal costs in connection with proceedings, costs arising from a breach of contract, negligence etc or any costs of a description prescribed by regulations that are incurred or will be incurred by an AP for the building in connection with the taking of Building Safety Measures.

Costs associated with carrying out works to address Building Safety Risks are recovered under Section 112 and Schedule 8 (*Relevant Buildings*).

Higher Risk Buildings

Definition of a Building



The Higher Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023 confirms the definition of a Building.

A Building can be an Independent Section of a Structure.

An Independent Section of a Structure is a Section that can be reached from anywhere in the Section, for persons to enter and exit the Wider Building; and either has no access to any other Section of the Wider Building; or only has access to another Section of the Wider Building which does not contain a residential unit.

Section 6 (2) of the Regulations confirms that where a Section is a Building, any storey directly beneath the Building which is not below ground level is to be counted in determining the number of storeys the building has.

For Example, a 9 storey building with a ground floor supermarket; 2 storeys of apartments; 5 storeys of hotel accommodation; and an 8th floor penthouse, every storey below the penthouse down to ground floor level are counted, confirming that the building is an HRB.

If, in the above scenario, there was no penthouse, resulting in an 8 storey building, only the ground floor supermarket and 2 storeys of apartments would be counted and the building would not be an HRB even though it is 8 storeys tall.

A residential unit with its own private front entrance door, accessed at street level, with no access to the common parts of the wider building, will still be deemed to be part of a Higher Risk Building so long the residential unit is directly below other storeys of residential units which extend up to at least the 6th floor.



Relevant Buildings

Relevant Buildings

A Relevant Building is different to a Higher Risk Building.

It is any building that contains at least 2 dwellings and is at least 11 meters high or has 5 or more storeys.

Height is measured from the lowest area of ground next to the building and is taken up to the finished surface of the floor of the top storey (excluding any roof top plant rooms).

A storey with a ceiling below external ground level is not included in the number of storeys.

A mezzanine is a storey if it is more than 50% of the floor area of the largest storey above ground level.

The definitions of storey and ground level are essentially the same as outlined in The Higher Risk Buildings (Key Building Information etc.) (England) Regulations 2023, which came into effect on 06 April 2023.

A Higher Risk Building is also a Relevant Building with respect to recovery of costs for rectifying Building Safety Risks (Schedule 8).



Relevant Buildings

Exclusions



A Relevant Building does not include a self-contained building or self-contained part of a building –

- a) Where Part 1 of the Landlord and Tenant Act 1987 (tenant's right of first refusal) or Part 3 of that Act (compulsory acquisition by tenants of landlord's interest) has been exercised,
- b) In relation to which the right to collective enfranchisement (within the meaning of Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993) has been exercised,
- c) If the freehold estate in the building or part of the building is leaseholder owned (within the meaning of regulations made by the Secretary of State), or
- d) Which is on commonhold land.

A part of a building is self-contained if it constitutes a vertical division of the building; the part could be redeveloped independently and; the services are provided independently of the occupiers of the remainder of the building.

Leaseholders in Relevant Buildings may benefit from a Qualifying Lease which provides Leaseholder Protections, however if the building is leaseholder owned, none of the leaseholders will have a Qualifying Lease. So even those flats that have not enfranchised will not have a Qualifying Lease as the building will not be a Relevant Building.

Examples of Relevant Buildings



Relevant Buildings

Leaseholder Protections

A Qualifying Lease provides Leaseholder Protections with respect to costs associated with addressing Relevant Defects.

A Qualifying Lease exists where -

- a) The lease is for a period of 21 years or more, and;
 - i. The dwelling was the Tenant's only or principal home,
 - ii. The Tenant did not own any other dwelling in the UK, or
 - iii. The Tenant owned no more than 2 dwellings in the UK apart from their interest under the lease.

Leaseholder Protections do not exist if the owner of the lease did, on the 14 February 2022, own more than 2 other dwellings in the UK.

There is no process to obtain Leaseholder Protections if the above criteria were not met on 14 February 2022. This will therefore expose the current Leaseholder and all future owners of that lease to costs associated with addressing any identified Building Safety Risks for which the Landlord is responsible for rectifying.

If a lease was enfranchised after 14 February 2022, this will not be a Qualifying Lease.

The owner of a non-Qualifying Lease will be liable for uncapped costs for rectifying the Relevant Building Defects based on the same basis that their service charge is calculated.

A Leaseholder can prove that they benefit from a Qualifying Lease by completing a Deed of Certificate.

<https://tinyurl.com/DeedofCertificate>

Relevant Buildings

Deed of Certificate

A Deed of Certificate confirms that the Qualifying Lease will benefit from a Permitted Maximum cap on the total contribution to rectifying Relevant Building Defects.

A leaseholder can complete a Deed of Certificate at any time and issue it to the Landlord.

A copy of the Deed of Certificate should be sent to the Landlord within 8 weeks of a request by the Landlord. An additional 4 weeks can be requested.

A copy of the Deed of Certificate must be available if a property is to be sold.

A Deed of Certificate is required if there are any Relevant Defects in the Building.

Relevant Buildings

Remediation Cost Liabilities

Under Schedule 8 of the BSA 2022 Act, no service charge is due to the Landlord (whether or not there is a Qualifying Lease) in relation to costs associated with addressing any Relevant Defect for which the Landlord or Associate are responsible.

No service charge will be due under a Qualifying Lease where the Landlord Group's net worth at the Qualifying Time was more than $N \times \text{£}2,000,000$ (where N is the number of Relevant Buildings owned by the Landlord).

No service charge will be due under a Qualifying Lease for any cladding remediation works.

No service charge will be due under a Qualifying Lease if at the Qualifying Time its value was less than:

- i. $\text{£}325,000$ Greater London, or;
- ii. $\text{£}175,000$ in any other case.

See Schedule 2 and Paragraph 9 of The Building Safety (Leaseholder Protections) (England) Regulations 2022 for the method used to calculate the value of the property.

Relevant Buildings

Relevant Service Charge

Where the exclusions referenced above do not apply, a Relevant Service Charge will be payable towards the cost of works to rectify a Relevant Defect, but that charge will be limited.

The combined sum of service charge and the Relevant Service Charge which fell due before the service charge fell must not exceed the Permitted Maximum.

Relevant Service Charge means a service charge under the lease to address a Relevant Defect that fell due in the Pre-commencement Period or fell due after commencement.

The Pre-commencement period means the period of 5 years before 28 June 2022, (not before 28 June 2017) or a later date on which the Relevant Person became the tenant under the Qualifying Lease.

The Permitted Maximum for a Qualifying Lease means:

- (a) £15,000 in Greater London
- (b) £10,000 elsewhere.

However, where the value of the Qualifying Lease, on 14 February 2022, exceeded £1,000,000 but not £2,000,000 the Permitted Maximum is £50,000.

Where the value of the Qualifying Lease, on 14 February 2022, exceeded £2,000,000, the Permitted Maximum is £100,000.

The annual limit of a Relevant Service Charge, payable under a Qualifying Lease is payable only if (and so far as) the sum of the service charge and total Relevant Service Charge for the 12 month period is no more than 10% of the Permitted Maximum. Costs are therefore to be spread out over a 10 year period.

Relevant Buildings

Relevant Service Charge



A Relevant Service Charge will not be due if the service charge exceeds £1,500 per annum for properties in Greater London with a value of more than £325,000 or £1,000 per annum for properties outside of London with a value of more than £175,000.

A Relevant Service Charge will not be payable for properties valued at £1,000,000 or more but not exceeding £2,000,000 if the service charge is more than £5,000 per annum.

A Relevant Service Charge will not be payable for properties valued at £2,000,000 or more if the service charge is more than £10,000 per annum.

Example:

- A flat with a value of £2,200,000 on 14 February 2022 pays £7,000 per annum service charge.
- Permitted Maximum Relevant Service Charge will be 10% of £100,000, less £7,000. So total Relevant Service Charge per year will be £3,000.

Relevant Buildings

Landlord's Certificate

The Landlord must issue a Landlord's Certificate:

- (a) Within 4 weeks of notification from a leaseholder that the leasehold interest is to be sold; or
- (b) Within 4 weeks of a request from a leaseholder; or
- (c) Within 4 weeks of becoming aware of a Relevant Defect not being covered by a previous Landlord's Certificate; or
- (d) Upon the issuing of a demand for a Relevant Service Charge;

If a Relevant Landlord does not provide a Landlord's Certificate as required, Section 2(2) of of Schedule 8 will apply, where the Landlord will be deemed to be responsible for the defect and no service charge is payable by any lessee, whether there is a Qualifying Lease or not, in respect of a Relevant Measure relating to a Relevant Defect.

Under Regulation 6(2) of The Building Safety (Leaseholder Protections)(England) Regulations 2022 the Landlord's Certificate must-

- (a) Be in form prescribed <https://tinyurl.com/Landlord-Certificate>,
- (b) Confirm if the contribution condition under paragraph 3 of Schedule 8 was met,
- (c) Confirm if the Landlord was responsible for the Relevant Defects or was associated with a person responsible for a Relevant Defect - See definitions of Associated Persons under Sections 121 (1-12), and
- (d) Contain details of any Landlord Group

Relevant Buildings Landlord's Certificate

Where the relevant Landlord is part of a Landlord Group, details of the corporate structure must be provided including –

- a) The companies that make up the group, the beneficial owners of each company and details of the Trust and Trustees where a Trust Foundations is a beneficial owner of one of the group companies.
- b) Details of all directors of each company and corporate trustee, any party with significant control or influence over the group, details of the type of trust and further details where a Trust has an interest in the shares of any company within the Landlord Group.

The Certificate must also be accompanied by company accounts; a statement by a chartered accountant or the FD of the Landlord Company confirming the net worth of the Landlord or the Landlord Group.

The Landlord's Certificate must also set out details of any costs paid or due to be paid in relation to any works carried out to remedy any Relevant Defects in the Relevant Building since 28 June 2017, including –

- i. The total sum of any such costs;
- ii. Details of the number of flats between which the costs are to be divided; and
- iii. The leaseholder's Maximum Remaining Liability

The Leaseholder's Maximum Liability (Permitted Maximum) is the maximum capped amount payable by the Leaseholder in respect of a relevant measure deducting any payments made by the leaseholder in respect of any Relevant Measure since 28 June 2017.

Relevant Buildings Landlord's Certificate

The Landlord's Certificate will declare the net worth of the Landlord or Landlord's Group on 14 February 2022.

The Landlord's Certificate will also state whether the net worth of the Landlord Group was less than, or more or equal to, the number of relevant buildings (N) x £2,000,000.

The Landlord's Certificate will schedule the date, work, cost and the maximum liability for a particular lease for all works to rectify Relevant Building Defects in the building since 28 June 2017.

Where the contribution condition applies, (the net worth of the Landlord or Landlord Group was more than N x £2,000,000), no Relevant Service Charge will be due by leaseholders with a Qualifying Lease. Non-Qualifying Leases will have an uncapped liability.

Where the net worth of the Landlord or Landlord Group was less than N x £2,000,000. Non-Qualifying Leases will be liable for uncapped costs, whilst Qualifying Leases will be capped by the Permitted Maximum contribution.

Landlord's Certificate Exclusions

Under Schedule 8 (3)(6) where the Landlord at the Qualifying Time was one of the following entities, the Landlord's contribution condition, (based on N x £2,000,000) does not apply.

- a) A Private Registered provider of social housing;
- b) A Local Authority;
- c) A Government Department and any arm's length body;
- d) The Crown;
- e) NHS Foundation Trusts

The above Landlord's will still be liable for costs if they were responsible for a Relevant Defect directly, or by way of joint venture, or if they undertook or commissioned the works that caused a Relevant Defect. See Schedule 8 (2)(2) & (3).

Relevant Buildings

Relevant Defect

A Relevant Defect in a Relevant Building

- (a) Arises as a result of anything done (or not done), or anything used (or not used), in connection with Relevant Works, and
- (b) Causes a Building Safety Risk.

Works undertaken to remedy a Relevant Defect are referred to as a Relevant Measure. A Relevant Measure can also mean taking steps to prevent a relevant risk from materialising or taking steps to reduce the severity of an incident that arises as a result of a Relevant Defect.

Relevant Works

These are any of the following:

- (a) Works relating to the construction or conversion of the building, if the construction or conversion was completed in the Relevant Period;
- (b) Works undertaken or commissioned by or on behalf of a relevant landlord or management company, if the works were completed within the Relevant Period;
- (c) Works undertaken after the end of the Relevant Period to remedy a Relevant Defect.

The Relevant Period is the period of 30 years ending with the time the Act came into force (April 2022).

Relevant Buildings

Building Safety Risks

Building Safety Risk means a risk to the safety of people in or about a building arising from any of the following occurring as regards the building-

- (a) Spread of Fire;
- (b) Structural Failure;
- (b) Any other Prescribed Matter.

Other Prescribed Matters are not yet defined and can be varied under secondary legislation.



Relevant Buildings

Qualifying Leases

Due to the phased completion of residential developments, it is very likely that there will be instances where some apartments in modern apartment blocks have **Qualifying Leases**, as they were sold on or before 14 February 2022, whilst others sold after this date will **not have Qualifying Leases**.

Those apartments sold after 14 February 2023 will be exposed to potential future costs to remedy Building Safety Risks relating to structure, fire spread and any other matter that may be subsequently prescribed. This could impact the value of those apartments compared to others in the same development due to the lack of a Permitted Maximum contribution towards the cost of remedying Building Safety Risks.

A self-contained and separately accessed apartment or townhouse within a Relevant Building, will still form part of a Relevant Building unless the residential unit is registered with a separate freehold interest.





Non-Relevant Buildings

Non-Relevant Buildings



Where a building is not a Relevant Building as it is leaseholder owned, as defined under Section 117 (3) (a-d), Part 5 of the Building Safety Act does not apply. Therefore, there is no requirement to address Building Safety Risks, there are no Qualifying Leases and there is no requirement for a Deed of Certificate of Landlord's Certificate.

Leaseholders of Non-Relevant buildings that are 5 or more storeys in height will still be subject to the obligations under The Fire Safety (England) Regulations 2022, which came into force on 23 January 2023.

Non-relevant leaseholder owned buildings will still be subject to the baseline obligations under The Fire Safety (England) Regulations 2022, which came into force on 23 January 2023.

Non-relevant leaseholder owned buildings may also require an EWS1 Assessment to be completed.

Non-Relevant Buildings

Fire Safety (England) Regulations 2022

In all multi-occupied residential buildings with 2 or more sets of domestic premises, the responsible persons are required to:

- a) Provide fire safety instructions to residents including how to report a fire and the fire evacuation strategy.
- b) Provide residents with information relating to the importance of fire door safety.

In residential buildings that are over 11m in height responsible persons must also undertake annual checks on flat entrance doors and quarterly checks to all common parts fire doors.

The above checks do not need to be undertaken by a specifically qualified person.

In High Rise Buildings, which are multi-occupied residential buildings that are 18m or 7 storeys in height, the responsible persons are required to:

- a) Provide up-to-date floor plans of the building in electronic format and submit this to the Fire and Rescue Service.
- b) Install and maintain a Secure Information Box in the common parts that contains a single page building plan which identifies key firefighting equipment and the name and contact details of the responsible person and a copy of all floor plans.
- c) Install Wayfinding Signage that is visible in low light or smokey conditions that identifies flat and floor numbers in the stairwells.
- d) Undertake monthly checks on the operation of firefighting lifts, evacuation lifts, and check the functionality of fire fighting equipment.
- e) Report any defective lifts or equipment to the Fire and Rescue Service if a fault cannot be fixed within 24 hours.



Other Considerations

The Building Safety Act 2022 requires Building Safety Risks to be addressed, however this may be difficult in Listed Buildings. It is not yet clear whether local authorities will be obliged to permit alterations to listed buildings to address Building Safety Risks, such as replacement of original flat entrance doors.

Higher Risk Buildings will often also be Relevant Buildings.

The Building Safety Act 2022 does not change existing requirements for EWS1 Assessments for cladding to residential buildings and these will therefore still need to be provided.

There is new Government Guidance for small blocks of flats up to 3 storeys tall with respect to fire and safety requirements.

<https://tinyurl.com/3storeyflats>

Buildings Regulations Changes

All Building Inspectors and Building Control Approvers must to be registered under the new registration scheme from October 2023 and they will be subject to a new code of conduct.

There are proposed changes to the enforcement period for breaches of building regulations, with the period due to change from 12 months to 10 years. The implementation date for this is yet to be confirmed.

It would therefore be prudent to ask for Building Regulation Completion Certificates for all properties that have been altered up to 10 years ago.

Conveyancers are recommended to start asking for...



Other Changes

Other Changes

Not yet implemented

A New Building industry Scheme

To ensure that persons in the building industry remedy defects in buildings or contribute to costs associated with remedying defects in buildings.

Persons can be prohibited from applying for or implementing planning approvals or building control approvals.

New Home Ombudsman Scheme

Any developer building or creating **one or more dwellings** will need to provide the purchaser with a New Build Home Warranty for the new build home and provide to a prescribed person a New Build Home Warranty for any common parts.

The period of cover under the insurance will need to be at least 15 years beginning with the day on which the relevant interest is disposed of.

Liability Relating to Construction Products

If a developer, supplier or manufacturer involved with a construction product that is inherently defective and renders the building unfit for habitation that person shall be liable for personal injury, damage to property and economic loss suffered on account of that construction product.

This specifically includes any cladding installed up to 30 years before the commencement of the Act, or up to 15 years after the install date, if installed after the Act commenced.



Checklists

Checklists

Higher Risk Building Checklist

- Prepare Safety Case Report
- Develop and implement Resident Engagement Strategy
- Ensure Mandatory Reporting Occurrence System is actioned
- Apply for Building Assessment Certificate

Relevant Buildings Checklist

- The building is not a Relevant Building if it has been enfranchised or is leaseholder owned
- Deed of Certificate is not applicable if there is no Qualifying Lease
- Deed of Certificate is not applicable if there is no Qualifying Lease
- Permitted Maximum liability towards costs to address Relevant Building Defects
- Has a Landlord's Certificate been issued within 4 weeks of a request? If not, no costs are recoverable against and Qualifying or Non-Qualifying lease
- Have any payments previously been paid by the vendor towards Relevant Works?

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