

Appendix A – Property A Case Details

History

The property has been recorded as being empty since 01/04/1993, although this is when historical Council tax records were merged from an older IT system and it is likely that the property has been empty for longer. The property is owned by a deceased person, with the Executor residing in Kentucky, USA.

Description

The property is a two storey, two-bedroom end of terraced house. The condition of the property is very poor with structural dilapidation throughout. It is in a residential area that comprises a wide mix of properties, both older and newer construction. The property is in a popular area of Dunstable close to schools, parks and shops. The majority of the other properties in the area are in a good condition and well maintained. Dunstable is a desirable and popular area to live in. The negative impact of this property to the immediate neighbourhood is clear.

The property is in a seriously run-down condition with visible structural cracking to the exterior brickwork. The property has only a rudimentary kitchen and bathroom and there is further dilapidation to the walls and ceilings internally. The property has been bricked up internally at the rear ground floor windows and door and a supporting wall between the living rooms has been part demolished. The rear garden has a negative impact on the neighbouring properties, both visually and in terms of it being overgrown and providing harbourage for pests.

There is evidence of vandalism and criminal activity with paraphernalia indicating the existence of a previous cannabis factory.

A warrant to enter the property was approved by Luton Magistrates Court and this was executed on 2nd November 2016, during which a full survey of the property was undertaken and a schedule of dilapidations was compiled.

A formal valuation of the property has been procured from HM Valuation Office Agency, the details are in exempt appendix B

The property has two living rooms, a kitchen, two bedrooms and a bathroom. Due to the length of time empty, the property will need the basic amenities and services refurbished, including heating, rewiring, bathroom, kitchen, and extensive repairs to the structure (walls, floor, and ceiling).

The roof appears to be sound, but has not been inspected. There does not appear to be subsidence to the external walls but there is extensive structural cracking to both external and internal walls, probably due to the effects of the weather over time, and a considerable sum has been estimated for the repair of these defects as at present the extent of the works cannot be fully confirmed.

Actions to date

The Council's Empty Property Officer has written to the Executor in USA several times between 2012 and 2016, offering assistance and advice to bring the property back into use but also asking the Executor what their intentions are. The officer has received no response to any enquiries.

The council tax service confirms that the address in the USA is correct and that they have received correspondence from this address.

The officer was made aware of a third party who had been undertaking some minor works to the house and was believed to be a relative of the executor, however, this was not confirmed. A statement was received from this person, stating that he expected the property to be registered in his name within six months. The officer has checked the land registry again and found no change. This person's connection with this property remains unresolved.

The officer served a notice to enter the property under the Housing Act section 239, on the third party who did not attend site on the required date and has not responded to correspondence since.

The Executor has been informed of the third party's involvement and she has been informed that the property has been entered and surveyed under warrant.

Consideration for Empty Dwelling Management Order (EDMO)

Account must be taken of the cost to repair the property, the cost of managing the property (assumed for these purposes to be 12% of the rental value) and the cost of maintenance (assumed to be 2% of rental income) over the 7-year period the EDMO is in force.

All costs associated with serving and carrying out the functions of an EDMO are recoverable either via rental receipts or through a legal charge on the property or direct recovery from the owner if this is practicable.

Final Considerations

If the valuations are disputed and contested by the owner, the case would be heard by the Lands Tribunal. This would result in additional legal costs of between £4,000 and £7,000, depending upon the decision of the Lands Tribunal.

This makes it important to offer a realistic valuation to the property owner, in this case the higher value range suggested by the Valuation Office Agency has been used in this calculation.

If contested and the Council loses, all the objector's costs are payable by the Council. These are unknown.

Council costs may be applied for but are not guaranteed to be paid from the proceeds of the sale.