

**Name:** Peter Johnson

**Name of organisation:** Na

**Question 1:**

Yes

*Comment:*

**Question 2:**

No

*Comment:*

**Question 3:**

Yes

*Comment:*

**Question 4:**

(1) Yes

*Comment:*

(2) Yes

*Comment:*

(3) Yes

*Comment:*

(4)

(5) Yes

*Comment:*

(6) (b) by the consenting leaseholders, through a company (owned by them) which acquires the commonhold interest;

*Comment:*

**Question 5:**

(1) Yes

*Comment:*

(2) Not Answered

*Comment:*

Not Answered

(3 & 4)

(5)

(6) Not Answered

*Comment:*

(7)

**Question 6:**

*Comment:*

**Question 7:**

Not Answered

*Comment:*

**Question 8:**

Not Answered

*Comment:*

**Question 9:**

Not Answered

*Comment:*

**Question 10:**

(1) Not Answered

(2)

(3)

**Question 11:**

Not Answered

*Comment:* Not Answered

**Question 12:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 13:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 14:**

Not Answered

*Comment:* Not Answered

**Question 15:**

Not Answered

**Question 16:**

(1) Not Answered

(2) Not Answered

**Question 17:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

**Question 18:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

**Question 19:**

Not Answered

*Comment:* Not Answered

**Question 20:**

Not Answered

*Comment:* Not Answered

**Question 21:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 22:**

Not Answered

*Comment:* Not Answered

**Question 23:**

Not Answered

*Comment:* Not Answered

**Question 24:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 25:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

**Question 26:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 27:**

Not Answered

**Question 28:**

Not Answered

*Comment:* Not Answered

**Question 29:**

Not Answered

**Question 30:**

Not Answered

**Question 31:**

(1) Not Answered

(2) Not Answered

**Question 32:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 33:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

(4) Not Answered

**Question 34:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 35:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

**Question 36:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

**Question 37:**

Not Answered

**Question 38:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

(4) Not Answered

**Question 39:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 40:**

Not Answered

*Comment:* Not Answered

**Question 41:**

Not Answered

**Question 42:**

Not Answered

*Comment:* Not Answered

**Question 43:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 44:**

(1) Not Answered

(2) Not Answered

**Question 45:**

(1) Not Answered

(2) Not Answered

**Question 46:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

**Question 47:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 48:**

(1) Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 49:**

Not Answered

*Comment:* Not Answered

**Question 50:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

(5) Not Answered



*Comment:* Not Answered

**Question 51:**

(1) Not Answered

(2) Not Answered

(3) Not Answered

(4) Not Answered

**Question 52:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 53:**

Not Answered

*Comment:* Not Answered

**Question 54:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 55:**

Not Answered

**Question 56:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

(4) Not Answered

**Question 57:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

**Question 58:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

(5) Not Answered

*Comment:* Not Answered

(6) Not Answered

*Comment:* Not Answered

(7) Not Answered

*Comment:* Not Answered

(8) Not Answered

*Comment:* Not Answered

(9) Not Answered

(10) Not Answered

*Comment:* Not Answered

**Question 59:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 60:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

(4) Not Answered

**Question 61:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

(5) Not Answered

(6) Not Answered

*Comment:* Not Answered

**Question 62:**

Not Answered

**Question 63:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 64:**

Not Answered

*Comment:* Not Answered

**Question 65:**

Not Answered

*Comment:* Not Answered

**Question 66:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

**Question 67:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 68:**

Not Answered

*Comment:* Not Answered

**Question 69:**

Not Answered

**Question 70:**

Not Answered

*Comment:* Not Answered

**Question 71:**

Not Answered

*Comment:* Not Answered

**Question 72:**

Not Answered

**Question 73:**

Not Answered

*Comment:* Not Answered

**Question 74:**

Not Answered

*Comment:* Not Answered

**Question 75:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 76:**

Not Answered

*Comment:* Not Answered

**Question 77:**

Not Answered

*Comment:* Not Answered

**Question 78:**

Not Answered

*Comment:* Not Answered

**Question 79:**

(1) Not Answered

(2) Not Answered

**Question 80:**

Not Answered

**Question 81:**

Not Answered

**Question 82:**

Not Answered

*Comment:* Not Answered

**Question 83:**

Not Answered

*Comment:* Not Answered

**Question 84:**

Not Answered

*Comment:* Not Answered

**Question 85:\***

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 86:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

(5) Not Answered

(6) Not Answered

*Comment:* Not Answered

(7) Not Answered

*Comment:* Not Answered

(8) Not Answered

*Comment:* Not Answered

**Question 87:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

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\* There was an error with question 85(1). On the online form, question 85(1) was a repeat of question 84. The responses provided to both questions have been analysed with this in mind and relevant points incorporated into our policy development.

*Comment:* Not Answered

(3) Not Answered

(4) Not Answered

(5) Not Answered

*Comment:* Not Answered

**Question 88:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 89:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

**Question 90:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

**Question 91:**

(1) Not Answered

*Comment:* Not Answered



(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

(5) Not Answered

(6) Not Answered

*Comment:* Not Answered

(7) Not Answered

**Question 92:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

**Question 93:**

Not Answered

**Question 94:**

Not Answered

**Question 95:**

(1) Not Answered

(2) Not Answered

(3) Not Answered

**Question 96:**

Not Answered

**Question 97:**

(1 & 2) Not Answered

(3) Not Answered

**Question 98:**

Not Answered

**Question 99:**

Not Answered

**Question 100:**

Not Answered

**Question 101:**

Not Answered

**Question 102:**

Not Answered

**Question 103:**

Not Answered

**Question 104:**

Not Answered

**Question 105:**

(1) Not Answered

*Comment:* Not Answered

**Question 106:**

(1) Not Answered

(2) Not Answered

**Question 107:**

Not Answered

**Any further comments**

Not Answered

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**Name:** Lucy Shepherd

**Name of organisation:** Shoosmiths LLP

**Question 1:**

No

*Comment:* I agree that existing leaseholders wishing to convert should not have to go through process of collective enfranchisement first, as this results in two sets of process and the corresponding time and cost that would involve. However I think the 'enfranchise and convert' model is wrong way round. Unit holders' consent should be obtained first, and only if this is obtained should the question of freeholder's consent be considered. there is no point incurring cost and time in getting the freeholder's (and any lender's) consent if unit holders consent cannot then be obtained.

However I see no reason why a freeholder would need to consent provided they receive full market value for their interest such that any lender would be satisfied that its charge would be discharged. No doubt freeholders would also want compensation for the loss of future ground rents as well though.

**Question 2:**

No

*Comment:* I feel strongly that forced conversion is not a good idea. The concept of commonhold will not suit or appeal to everyone; arguably it appears only to a specific type of community-minded person. As such, leaseholders should be able to choose whether to convert. It should not be compulsory for anyone as leaseholders are the ones that will have to live in the converted building afterwards.

Currently, those who participate in collective enfranchisement make an informed decision to do it. Those who either educate themselves on the process and decide against it, or who don't want to know in the first place, do not have to take part. If so, the interest they have in their home does not change; they retain their leases with the terms unchanged.

The question assumes conversion is a good thing such that obstacles should be removed. Changing from leasehold to commonhold, however, provides a dramatic change. The leases will not apply anymore, the 'landlord' will now be the neighbours and unit holders (who will likely be ordinary non-legal people in the main) would have to read and understand the various new documents governing the building at the outset, as well as take an interest and read all forthcoming documentation/attend meetings and vote on any decisions concerning the building in the future. This is not just a change in home ownership, this is a change in lifestyle, and that change should only ever be a choice. If people are forced into making the change when against their will, this will impact on how the CA operates, how people feel about their unit and the building as a whole, and how swiftly and easily decisions can be made and implemented. Whilst it may make conversion easier, it could well make the future running of the building much harder. I also do believe it would be breach of human rights; the benefits of commonhold are not so great as to justify the intrusion into people's homes and lives that forced conversion and the resultant lifestyle change would mean. It is therefore not proportionate.

The only possible reason I can see for allowing conversion by majority action is where any non-consenting leaseholders are absent or simply do not respond. In these circumstances the tribunal should decide on their behalf, having ensured that all procedural boxes have been ticked and reasonable efforts made to contact the leaseholders or there is some other compelling reason (other than a reasoned refusal by someone with capacity) why someone should be forced into converting.

**Question 3:**

No

*Comment:* As previously stated, I consider consent should be unanimous. Commonhold is too different from, and potentially much more complex than, collective enfranchisement, for the same rules on eligibility to apply.

**Question 4:**

(1) No

*Comment:* As above, I believe unanimous consent should be required. However if the threshold is reduced, I prefer option 1 because at least unit owners will still have the majority of lease and governance terms they expected to have when they purchased their interest. Having said that, having different types of interest could well result in bad feeling and potentially bullying behaviour against minority non-consenting leaseholders who may have perfectly good and reasonable reasons for not wanting/being able to convert. This would be a more exacerbated version of 'them v us' than there is with landlord and tenant.

(2) Yes

*Comment:* They should be able to join with the commonhold at any time, subject to paying the requisite value for the change, akin to lease extension/collective enfranchisement. It may be that their position later changes and they see the advantages of commonhold so shouldn't be deprived of the ability to change. In fact this could be a much softer way of promoting commonhold than forcing people to join.

(3) No

*Comment:* Non-consenting leaseholders should retain the right to extend their leases, which will likely be required by their lenders at any rate. Keeping this ability to extend could reduce the 'premium' they would likely have to pay to join the commonhold at a least date as well, as they would have less of a wasting asset, which could encourage them to join.

(4) I think that if a unit holder wishes to sell, an incoming purchaser should be given the option of buying it as a commonhold unit. I do not think they should be required to do so as this could affect the purchase price that the existing unit holder will receive and in turn affect their ability to pay back any mortgage. It may also limit the number of potential purchasers, further reducing the market value of the unit.

(5) No

*Comment:* I think there is a risk that this makes it too complicated to be feasible, another reason why unanimous unit holder consent should be required. These will be ordinary

people who may not understand the structure and identities of parties and how the system works and it could make management very complicated.

(6)

*Comment:* No comment – I believe unanimous consent should be required and am not qualified to comment on funding.

**Question 5:**

(1) Other

*Comment:* My view is that no non-consenting leaseholders should be forced into taking commonhold units for the reasons previously set out. The suggested advantages simply are not sufficient to justify the interference. The only exception is where the non-consent is due to the party being absent or of insufficient capacity, in which case the tribunal should have discretion.

(2) No

*Comment:* see above

Other

(3 & 4) I do not feel qualified to answer.

(5) I do not feel qualified to answer.

(6) Not Answered

*Comment:* I do not feel qualified to answer.

(7) I do not feel qualified to answer.

**Question 6:**

*Comment:* As above, I do not think anyone should be forced to take a commonhold unit against their will. If they are, it is only fair that their existing rights and obligations be kept the same as far as possible.

**Question 7:**

Other

*Comment:* I agree that in these circumstances the Tribunal's authorisation should be required but disagree as to 2. The Tribunal should only give authorisation to convert in lieu of unanimous consent where any non-consenters are absent or of insufficient capacity to consent; not simply because they refuse. Subject to this, the tribunal should also ensure as a matter of course that the interests of non-consenters are adequately protected and are protected going forward.

**Question 8:**

No

*Comment:* I think it is over simplistic and inaccurate to say the interests of short term lease tenancies will not be affected by conversion to commonhold. The ' landlord' will be a different entity with different interests than before and the views of such tenants could be completely disregarded. 21 years is a long time to live somewhere, certainly long enough to warrant the term ' home' and so I do not see why such tenants should not have to consent to conversion. I think they should have to consent. However, the term length for consent could be reduced to, say, 3 years in line with leases that are registerable. This would mean those tenancies of a truly transient nature could be discounted in the process which is a more fair approach.

**Question 9:**

Not Answered

*Comment:* I do not feel sufficiently knowledgeable of lenders to answer this question

**Question 10:**

(1) Option 1

(2) Option 1 for the reasons previously stated. As stated, the only reasons I can see for allowing option 2 is where any non-consenting leaseholders are absent, simply do not respond or lack the capacity to consent to a proposal to convert by the 80%. In these circumstances the tribunal could decide on their behalf, having ensured that all procedural boxes have been ticked and reasonable efforts made to contact the leaseholders or there is some other compelling reason (other than a reasoned [not reasonable] refusal) why someone should be forced into converting. I do not feel qualified to opine on how this should be funded. 10. Option 1 for the reasons previously stated. As stated, the only reasons I can see for allowing option 2 is where any non-consenting leaseholders are absent or simply don' t respond to a proposals to convert by the 80%. In these circumstances the tribunal could decide on their behalf, having ensured that all procedural boxes have been ticked and reasonable efforts made to contact the leaseholders or there is some other compelling reason (other than a reasoned refusal) why someone should be forced into converting.

(3) I do not feel qualified to opine on how this should be funded.

**Question 11:**

Not Answered

*Comment:* Not Answered

**Question 12:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 13:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 14:**

Not Answered

*Comment:* Not Answered

**Question 15:**

Not Answered

**Question 16:**

(1) Yes

(2) Having said yes, the more sections there are, the less that the scheme as a whole is truly 'commonhold'. I think there are good reasons for commonhold only being applicable to residential buildings. Mixed use results in too much complexity and competing interests whichever way you try and cater for it, and purely commercial buildings are often comprised of a variety of tenants with different interests. Having weighted voting promotes a perception of 'class' or wealth meaning power, which means not everyone is on a level playing field and therefore impeding community feeling. Whereas leasehold has one landlord to decide such issues as service charge proportions, subject to some statutory safeguards, a CA comprised of several people could well get bogged down by agreeing this kind of detail and the resultant delays and disputes could be endless. Business owners are likely to want to get in with running their businesses rather than being overly concerned about management of their and other premises.

**Question 17:**

(1) Other

*Comment:* see comments above -but a management structure is definitely preferable to layered commonholds.

(2) Other

*Comment:* As above, given the issues with all of these models, I consider commonhold is really only suited to residential blocks with units of a similar size and nature. For other types of buildings I struggle to see any real benefit to commonhold -there may be flaws to leasehold but on the whole it works and the law around it has been built up over many

years. There is little to no law around commonhold and using these models would mean starting off with an already complex system for the courts to interpret.

(3)

**Question 18:**

(1) Yes

*Comment:* Nothing about commonhold should be mandatory given it has never really been put into practice; it needs to be properly trialled before anything becomes mandatory. I find suggestions of such concepts becoming mandatory from day one very concerning, given that concepts such as 'alternative dispute resolution' have still not become mandatory after years of use, and we are talking about people's homes and livelihoods here.

(2)

**Question 19:**

Collateral

*Comment:* As a broad view, commonhold concerns a collective of units so there needs to be some oversight of the whole where someone has knowledge of all committees and how their decisions/remits impact on each other. Exclusive delegation could result in duplication, confusion, overlapping concerns and inefficiency. But it does depend on the power being delegated and the impact it could have on the whole.

I do think any directors should be independent of each other and at least be holders of separate units to try and maintain objectivity.

**Question 20:**

Not Answered

*Comment:* The very nature of this question indicates that the model of sections within commonhold has the potential to become extremely complex and vulnerable to litigation, cost, expense and delay. I repeat my view that commonhold is not suited to properties where there are multiple, different interests.

**Question 21:**

(1) Not Answered

*Comment:*

(2) Not Answered

*Comment:*

(3) Not Answered

*Comment:*



**Question 22:**

Not Answered

*Comment:*

**Question 23:**

No

*Comment:* Whilst appreciating that, say, a supermarket may be different to other units to warrant its own section, there is nothing 'commonhold' about the concept of having sections for single units.

**Question 24:**

(1) Not Answered

*Comment:*

(2) Not Answered

*Comment:*

(3) Not Answered

*Comment:*

**Question 25:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

**Question 26:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 27:**

Not Answered

**Question 28:**

Not Answered

*Comment:* Not Answered

**Question 29:**

Not Answered

**Question 30:**

Not Answered

**Question 31:**

(1) Not Answered

(2) Not Answered

**Question 32:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 33:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

(4) Not Answered

**Question 34:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 35:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

**Question 36:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

**Question 37:**

Not Answered

**Question 38:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

(4) Not Answered

**Question 39:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 40:**

Not Answered

*Comment:* Not Answered

**Question 41:**

Not Answered

**Question 42:**

Not Answered

*Comment:* Not Answered

**Question 43:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 44:**

(1) Not Answered

(2) Not Answered

**Question 45:**

(1) Not Answered

(2) Not Answered

**Question 46:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

**Question 47:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 48:**

(1) Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 49:**

Not Answered

*Comment:* Not Answered

**Question 50:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

(5) Not Answered

*Comment:* Not Answered

**Question 51:**

(1) Not Answered

(2) Not Answered

(3) Not Answered

(4) Not Answered

**Question 52:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 53:**

Not Answered

*Comment:* Not Answered

**Question 54:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 55:**

Not Answered

**Question 56:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

(4) Not Answered

**Question 57:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

**Question 58:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

(5) Not Answered

*Comment:* Not Answered

(6) Not Answered

*Comment:* Not Answered

(7) Not Answered

*Comment:* Not Answered

(8) Not Answered

*Comment:* Not Answered

(9) Not Answered

(10) Not Answered

*Comment:* Not Answered

**Question 59:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 60:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

(4) Not Answered

**Question 61:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

(5) Not Answered

(6) Not Answered

*Comment:* Not Answered

**Question 62:**

Not Answered

**Question 63:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 64:**

Not Answered

*Comment:* Not Answered



**Question 65:**

Yes

*Comment:* Shared ownership leases provide a valuable way for those otherwise unable to get on the property ladder to afford their homes. Banning them would exclude a section of society from having this ability. Beyond this I am not overly familiar with shared ownership leases so have not answered the below questions.

**Question 66:**

(1) Not Answered

*Comment:*

(2) Not Answered

*Comment:*

(3) Not Answered

*Comment:*

(4) Not Answered

*Comment:*

**Question 67:**

(1) Not Answered

*Comment:*

(2) Not Answered

*Comment:*

(3) Not Answered

*Comment:*

**Question 68:**

Not Answered

*Comment:*

**Question 69:**

**Question 70:**

Not Answered

*Comment:*

**Question 71:**

Not Answered

*Comment:*

**Question 72:**

**Question 73:**

Yes

*Comment:* Unit owners should retain all existing legal rights against each other, such as the ability to bring a claim in nuisance or trespass -to remove these rights would be very detrimental and a possible infringement of the human rights act.

**Question 74:**

Yes

*Comment:* It could be taken into account when considering the claim as a whole, but shouldn't stop it from progressing

**Question 75:**

(1) Yes

*Comment:* I would go further and say that no part of the commonhold dispute resolution procedure should be mandatory; unit holders should be able to choose how they address their grievances. If their issue is with the CA, they may well not want to deal with the CA to resolve it .

(2) No

*Comment:* It depends on whether the CA dispute resolution procedure is mandatory; if it is, then they should be a member of an approved ombudsman scheme to have some oversight and checks on their behaviour.

**Question 76:**

Yes

*Comment:* As above, I do not think any procedure should be mandatory; there may be good reasons for not having following the procedure and the courts should be able to have regard to this.

**Question 77:**

Yes, the procedure should be transferred to a pre-action protocol.

*Comment:* Much more appropriate than being mandatory, and it can be taken into account by the court.

**Question 78:**

Other

*Comment:* As the law on commonhold is largely untested and could involve questions of the CA being properly incorporated, decisions being properly taken as well as aspects of property law, I consider the county court with its wider jurisdiction to be the most appropriate forum for deciding commonhold disputes, particularly given the existing confusion over the line between the tribunal and court requiring judges to sit with 'both hats' on. It would also be best for precedent to be made concerning this new area, which will require the ability to appeal to the higher courts.

**Question 79:**

(1) Other

(2) they should only be required to indemnify the CA and not other unit holders to prevent frivolous claims for losses being made.

**Question 80:**

Yes, where the decision seems irrational, unreasonable or taken without following proper procedure, or based on an error, or done for an improper purpose - akin to judicial review.

**Question 81:**

All the above seem sensible.

**Question 82:**

Yes

*Comment:*

**Question 83:**

Yes, the commonhold association should be provided with enhanced powers.

*Comment:* I see no reason why there should not be a power akin to forfeiture, as some breaches are that serious e.g. violent or abusive behavior, health and safety breaches, immoral or illegal practice such as running a brothel or drug dealing. There should be a procedure similar to that in leasehold e.g. s.146 notice followed by application to tribunal to confirm the breach followed by forfeiture if it is not remedied. I do not like the idea of fines as this power could easily be abused/misused without any independent check and deprivation of recreational rights etc could create stigma and a bullying environment.

**Question 84:**

Yes

*Comment:* this would provide a sensible check and balance.

**Question 85:\***

(1) Not Answered

*Comment:*

(2) No

*Comment:* Too draconian, there should be a procedure in place to apply for such a charge as with a charging order. Adding a charge automatically would hamper the ability to sell, which may be a unit holder's only option to pay off their debts.

**Question 86:**

(1) Yes

*Comment:*

(2) akin to the pre-action protocol on debt

(3) Yes

*Comment:* This maintains a check and balance on the CA's power, important given it could be someone's home.

(4) No

*Comment:* It would be a very draconian remedy for a small amount of money but it really depends on how much was paid for the unit, how much is owed, whether the CA needs the funds urgently to e.g. carry out repairs etc. I should think £10,000 as a minimum but it depends on the size of the CA. It should be emphasised as being a last resort remedy. Then again, it is undesirable for the CA to allow arrears to mount up.

(5)

(6) Yes

*Comment:*

(7) No

*Comment:* It should be 1 -3- 2 - 4. A mortgagee may well not lend otherwise as it would have far less certainty over what it would get after a forced sale.

(8) Not Answered

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\* There was an error with question 85(1). On the online form, question 85(1) was a repeat of question 84. The responses provided to both questions have been analysed with this in mind and relevant points incorporated into our policy development.

*Comment:* Not sure.

**Question 87:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

(4) Not Answered

(5) Not Answered

*Comment:* Not Answered

**Question 88:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 89:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

**Question 90:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

**Question 91:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

(5) Not Answered

(6) Not Answered

*Comment:* Not Answered

(7) Not Answered

**Question 92:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

**Question 93:**

Not Answered

**Question 94:**

Not Answered

**Question 95:**

(1) Not Answered

(2) Not Answered

(3) Not Answered

**Question 96:**

Not Answered

**Question 97:**

(1 & 2) Not Answered

(3) Not Answered

**Question 98:**

Not Answered

**Question 99:**

Not Answered

**Question 100:**

Not Answered

**Question 101:**

Not Answered

**Question 102:**

Not Answered

**Question 103:**

Not Answered

**Question 104:**

Not Answered

**Question 105:**

(1) Not Answered

*Comment:* Not Answered

**Question 106:**

(1) Not Answered

(2) Not Answered

**Question 107:**

Not Answered

**Any further comments**

My apologies for not giving a more comprehensive response, due to time constraints. My firm is doing a separate composite responses with the London Property Support Lawyers' Group which addresses the more commercial aspect of commonhold from the point of view of developers, lenders and institutional landlords. My view is that of a property litigator with knowledge and experience of dealing with both residential and commercial properties within England. I am also a private landlord of a rented property and a homeowner.

My broad thoughts are:

CAs are run by members voting on decisions. This process takes time and money to both publicise the thing which needs voting on and then to collect in and analyse votes. Many people will not be keen on this. There may also be language and literacy barriers preventing people from taking part.

The CCS may not cover everything. This is a relatively new document, untested via case law, which will take time to bed in and undoubtedly there will be litigation to test their interpretation and application. As stated in my response, it will be particularly difficult to draft and use when the commonhold is mixed use and the terms have to cover both commercial and residential elements,

An advantage of commonhold is stated to be the unity of interests between the CA and the unit holders. Actually, unit holders could still be investors whose interests could differ from live-in occupiers. In real terms this could cause issues if, e.g. the building is comprised of different sized units e.g. penthouses vs studio apartments vs commercial units – all have different and perhaps competing interests. This could encourage an element of class snobbery, particularly if larger units given weighted voting rights. It could also increase the potential for disputes – people are usually happier to have an objective third party whose interests are certain (landlord) making overall decisions for the benefit of the block rather than having other residents who they may not like or identify with having an opinion as to how they should live in their unit. The example of energy efficient measures is a good one; some will be interested in improving the environment, others will just want the cheapest option whether or not it benefits the environment.

Currently unit owners can agree to vary certain rules about how building is run with anything over 50% support. What if the change is major and detrimental to the minority and is not actually sensible in terms of maintaining asset value? Unit holders could be forced to spend money on things they don't want. Majority rule is not always a good thing. It should be hard to change the rules; everyone knew what they were buying in the first place and consistency is important. I agree that rule changes should be possible, but it should require at least 75% to consent and include at least one of every type of unit to be fair.

If there is no forfeiture/no power to sell, what is the ultimate threat to those who don't comply with rules? You could end up with ongoing anti-social behaviour, spiralling debts owed to the CA and possibly vacant units if the behaviour bad enough to result in imprisonment. Also, in terms of enforcement, what value is there to granting charges over



the common parts if funds are needed for emergency repairs? Who would buy the common parts to discharge the charge?

In terms of mandatory membership of the CA for all unit owners – not all unit owners may want the responsibility or have the time or capacity to engage e.g. the elderly, those with young families, people with learning difficulties or mental illness. How do we ensure these people are both protected and represented?

Disagree that commonhold would provide a more orderly way of dealing with redevelopment when building has reached the end of its useful life. Many residents will not be commercially minded people and may choose options for nonsensical considerations rather than what is in fact in everyone's best interests and long term value and upkeep of the building.

Overall it is intended to be a democratic, co-operative community in which unit owners actively participate, and take responsibility for their commonhold. It is true that this will require a major culture change because this is not reality in today's England. That change needs to be brought about first in order to make commonhold work; it cannot be imposed by putting commonhold in place first - if it doesn't work, it will be unfixable unless there is to be a mechanism to convert back to leasehold. As the saying goes, an Englishman's home is his castle - people are self-interested and defensive about their homes which often represent the fruit of their life-long earnings. They don't want their neighbours interfering. There is a difference between taking responsibility for your own home and taking it for the homes of others, particularly if those others are perceived to be different .

I do not see that leasehold is necessarily always adversarial; there are plenty of good landlords who care about their tenants as well as their investment. I do not believe leasehold is not bad enough to warrant commonhold being made compulsory in any circumstances.

Will also involve education, particularly in mixed use developments, about how properties are valued, how the value of assets is maintained and maximised. Many people will not understand, for example, that empty commercial units attract business rates that would need to be paid by the CA in absence of a tenant; and would perhaps vote against certain types of tenants taking units for purely personal reasons such as ' I don't like takeaways' . How is this risk guarded against unless you have external independent directors or separate commercial and resi CAs? Having said that, having separate sections based on class voting would bring back the ' them and us' attitude that commonhold is intended to get rid of.



**Name:** Brijendra kumar sahye

**Name of organisation:**

**Question 1:**

Yes

*Comment:* Yes, but I believe leasehold has to be banned. As a leaseholder, I have no control in any of my flats. I bought the flats with my hard earned money and it is being controlled by the freeholder and the management company and they can charge me wherever they like without any justification. It's immoral and disgusting, the way the freeholder and the management company behaves. It's a form of slavery whereby, as a leaseholder I feel like a slave and the freeholder is my master.

**Question 2:**

Yes

*Comment:* Please do it without obtaining any consent. At the end of the day, it has to benefit the leaseholders, as they are the one who really own the property or blocks. There is no need to consult the freeholder and I believe the government needs to take action on its hand.

**Question 3:**

Yes

*Comment:*

**Question 4:**

(1) Not Answered

*Comment:*

(2) Yes

*Comment:*

(3) Yes

*Comment:*

(4)

(5) Yes

*Comment:* Anyone who is an owner of a flat as a leaseholder should be able to automatically granted lifetime lease of 999 years or even granted freehold or commonhold. Leasehold is a scam in modern Britain and needs to be banned immediately, it is causing serious havoc, severe stress, mental health issues and destroying lives and causing terrible financial hardship.

(6) (a) by the consenting leaseholders, through the commonhold association which holds the commonhold interest; (b) by the consenting leaseholders, through a company (owned by them) which acquires the commonhold interest; (c) by a third-party investor, who acquires a long lease of the commonhold unit superior to the non-consenting leaseholder's lease; (d) by granting a leaseback to the freeholder (who may be compelled to accept the lease), who acquires a long lease of the commonhold unit superior to the non-consenting leaseholder's lease; and/or (e) by any other means.

*Comment:* All leaseholders should be granted commonhold or freeholder. No leaseholder who owns a property should feel like they are renting. Leasehold is a big, massive scam destroying lives and reaping off people. It's a system that should have never been implemented. It's an evil system.

**Question 5:**

(1) Yes

*Comment:*

(2) Yes

*Comment:*

Yes

(3 & 4)

(5)

(6) (a) as a fixed amount, representing the non-consenting leaseholder's share of the initial freehold purchase;

*Comment:*

(7)

**Question 6:**

(1) a cap should be placed on the amount of commonhold costs which are recoverable from the former leaseholder or freeholder, to reflect the costs that are recoverable from the non-qualifying tenant;

*Comment:*

**Question 7:**

No

*Comment:*

**Question 8:**

Yes

*Comment:*

**Question 9:**

Yes, it should be possible for charges to transfer automatically, without requiring lenders' consent.

*Comment:*

**Question 10:**

(1) Option 1

(2)

(3)

**Question 11:**

Yes

*Comment:*

**Question 12:**

(1) No

*Comment:*

(2) Other

*Comment:*

**Question 13:**

(1) Yes

*Comment:*

(2) Yes

*Comment:*

**Question 14:**

Yes

*Comment:*

**Question 15:**

Yes definitely

**Question 16:**

(1) Yes

(2)

**Question 17:**

(1) Yes

*Comment:*

(2) Other

*Comment:*

(3)

**Question 18:**

(1) Yes

*Comment:*

(2)

**Question 19:**

It should be for each commonhold to decide.

*Comment:*

**Question 20:**

(3) the directors should have to apply to the Tribunal in order to alter or revoke a delegation.

*Comment:*

**Question 21:**

(1) Yes

*Comment:*

(2) Other

*Comment:*

(3) Yes

*Comment:*

**Question 22:**

Yes

*Comment:*

**Question 23:**

Yes

*Comment:*

**Question 24:**

(1) Not Answered

*Comment:*

(2) Yes

*Comment:*

(3) Other

*Comment:*

**Question 25:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

**Question 26:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

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Not Answered

**Question 28:**

Not Answered

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Not Answered

**Question 30:**

Not Answered

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(1) Not Answered

(2) Not Answered

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(1) Not Answered

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(2) Not Answered

*Comment:* Not Answered

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(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

(4) Not Answered

**Question 34:**

(1) Not Answered

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(2) Not Answered

*Comment:* Not Answered

**Question 35:**

(1) Not Answered

*Comment:* Not Answered

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**Question 36:**

(1) Not Answered

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(2) Not Answered

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(3) Not Answered

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(1) Not Answered

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(4) Not Answered

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(2) Not Answered

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Not Answered

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**Question 41:**

Not Answered

**Question 42:**

Not Answered

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**Question 43:**

(1) Not Answered

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(2) Not Answered

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(3) Not Answered

*Comment:* Not Answered

**Question 44:**

(1) Not Answered

(2) Not Answered

**Question 45:**

(1) Not Answered

(2) Not Answered

**Question 46:**

(1) Not Answered

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(3) Not Answered

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**Question 48:**

(1) Not Answered

(2) Not Answered

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**Question 49:**

Not Answered

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(1) Not Answered

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(3) Not Answered

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(4) Not Answered

*Comment:* Not Answered

(5) Not Answered

*Comment:* Not Answered

**Question 51:**

(1) Not Answered

(2) Not Answered

(3) Not Answered

(4) Not Answered

**Question 52:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

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(3) Not Answered

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**Question 53:**

Not Answered

*Comment:* Not Answered

**Question 54:**

(1) Not Answered

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(2) Not Answered

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(3) Not Answered

*Comment:* Not Answered

**Question 55:**

Not Answered

**Question 56:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

(4) Not Answered

**Question 57:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

**Question 58:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

(5) Not Answered

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(6) Not Answered

*Comment:* Not Answered

(7) Not Answered

*Comment:* Not Answered

(8) Not Answered

*Comment:* Not Answered

(9) Not Answered

(10) Not Answered

*Comment:* Not Answered

**Question 59:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 60:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

(4) Not Answered

**Question 61:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

(5) Not Answered

(6) Not Answered

*Comment:* Not Answered

**Question 62:**

Not Answered

**Question 63:**

(1) Not Answered

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(2) Not Answered

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**Question 64:**

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**Question 66:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

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(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

**Question 67:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 68:**

Not Answered

*Comment:* Not Answered

**Question 69:**

Not Answered

**Question 70:**

Not Answered

*Comment:* Not Answered

**Question 71:**

Not Answered

*Comment:* Not Answered

**Question 72:**

Not Answered

**Question 73:**

Not Answered

*Comment:* Not Answered

**Question 74:**

Not Answered

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**Question 75:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 76:**

Not Answered

*Comment:* Not Answered

**Question 77:**

Not Answered

*Comment:* Not Answered

**Question 78:**

Not Answered

*Comment:* Not Answered

**Question 79:**

(1) Not Answered

(2) Not Answered



**Question 80:**

Not Answered

**Question 81:**

Not Answered

**Question 82:**

Not Answered

*Comment:* Not Answered

**Question 83:**

Not Answered

*Comment:* Not Answered

**Question 84:**

Not Answered

*Comment:* Not Answered

**Question 85: \***

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 86:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

*Comment:* Not Answered

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\* There was an error with question 85(1). On the online form, question 85(1) was a repeat of question 84. The responses provided to both questions have been analysed with this in mind and relevant points incorporated into our policy development.

(4) Not Answered

*Comment:* Not Answered

(5) Not Answered

(6) Not Answered

*Comment:* Not Answered

(7) Not Answered

*Comment:* Not Answered

(8) Not Answered

*Comment:* Not Answered

**Question 87:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

(4) Not Answered

(5) Not Answered

*Comment:* Not Answered

**Question 88:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

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(3) Not Answered

*Comment:* Not Answered

**Question 89:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

**Question 90:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

**Question 91:**

(1) Not Answered

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(2) Not Answered

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(3) Not Answered

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(4) Not Answered

(5) Not Answered

(6) Not Answered

*Comment:* Not Answered

(7) Not Answered

**Question 92:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

**Question 93:**

Not Answered

**Question 94:**

Not Answered

**Question 95:**

(1) Not Answered

(2) Not Answered

(3) Not Answered

**Question 96:**

Not Answered

**Question 97:**

(1 & 2) Not Answered

(3) Not Answered

**Question 98:**

Not Answered

**Question 99:**

Not Answered

**Question 100:**

Not Answered

**Question 101:**

Not Answered

**Question 102:**

Not Answered

**Question 103:**

Not Answered

**Question 104:**

Not Answered

**Question 105:**

(1) Not Answered

*Comment:* Not Answered

**Question 106:**

(1) Not Answered

(2) Not Answered

**Question 107:**

Not Answered

**Any further comments**

Not Answered

---



**Name:** Judith Amanthis

**Name of organisation:**

**Question 1:**

Not Answered

*Comment:* Not Answered

**Question 2:**

Not Answered

*Comment:* Not Answered

**Question 3:**

Not Answered

*Comment:* Not Answered

**Question 4:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

(5) Not Answered

*Comment:* Not Answered

(6)

*Comment:* Not Answered

**Question 5:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

Not Answered

(3 & 4) Not Answered

(5) Not Answered

(6) Not Answered

*Comment:* Not Answered

(7) Not Answered

**Question 6:**

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Not Answered

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**Question 8:**

Not Answered

*Comment:* Not Answered

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Not Answered

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(1) Not Answered

(2) Not Answered

(3) Not Answered

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Not Answered

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**Question 12:**

(1) Not Answered



*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 13:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 14:**

Not Answered

*Comment:* Not Answered

**Question 15:**

Not Answered

**Question 16:**

(1) Not Answered

(2) Not Answered

**Question 17:**

(1) Not Answered

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(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

**Question 18:**

(1) Not Answered

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(2) Not Answered

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(3) Not Answered

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Not Answered

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(1) Not Answered

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(3) Not Answered

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**Question 25:**

(1) Not Answered

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(2) Not Answered

**Question 26:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 27:**

Not Answered

**Question 28:**

Not Answered

*Comment:* Not Answered

**Question 29:**

Not Answered

**Question 30:**

Not Answered

**Question 31:**

(1) Not Answered

(2) Not Answered

**Question 32:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 33:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

(4) Not Answered

**Question 34:**

(1) Not Answered

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(2) Not Answered

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(2) Not Answered

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(1) Not Answered

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(2) Not Answered

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Not Answered

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(1) Not Answered

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(2) Not Answered

(3) Not Answered

(4) Not Answered

**Question 39:**

(1) Not Answered

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(2) Not Answered

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Not Answered

*Comment:* Not Answered

**Question 41:**

Not Answered

**Question 42:**

Not Answered

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**Question 43:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 44:**

(1) Not Answered

(2) Not Answered

**Question 45:**

(1) Not Answered

(2) Not Answered

**Question 46:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

**Question 47:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 48:**

(1) Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 49:**

Not Answered

*Comment:* Not Answered

**Question 50:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

(5) Not Answered

*Comment:* Not Answered

**Question 51:**

(1) Not Answered

(2) Not Answered

(3) Not Answered

(4) Not Answered

**Question 52:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 53:**

Not Answered

*Comment:* Not Answered

**Question 54:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 55:**

Not Answered

**Question 56:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

(4) Not Answered

**Question 57:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

**Question 58:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

(5) Not Answered

*Comment:* Not Answered

(6) Not Answered

*Comment:* Not Answered

(7) Not Answered



*Comment:* Not Answered

(8) Not Answered

*Comment:* Not Answered

(9) Not Answered

(10) Not Answered

*Comment:* Not Answered

**Question 59:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 60:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

(4) Not Answered

**Question 61:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

(5) Not Answered

(6) Not Answered

*Comment:* Not Answered

**Question 62:**

Not Answered

**Question 63:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 64:**

Not Answered

*Comment:* Not Answered

**Question 65:**

Not Answered

*Comment:* Not Answered

**Question 66:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

**Question 67:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 68:**

Not Answered

*Comment:* Not Answered

**Question 69:**

Not Answered

**Question 70:**

Not Answered

*Comment:* Not Answered

**Question 71:**

Not Answered

*Comment:* Not Answered

**Question 72:**

Not Answered

**Question 73:**

Not Answered

*Comment:* Not Answered

**Question 74:**

Not Answered

*Comment:* Not Answered

**Question 75:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 76:**

Not Answered

*Comment:* Not Answered

**Question 77:**

Not Answered

*Comment:* Not Answered

**Question 78:**

Not Answered

*Comment:* Not Answered

**Question 79:**

(1) Not Answered

(2) Not Answered

**Question 80:**

Not Answered

**Question 81:**

Not Answered

**Question 82:**

Not Answered

*Comment:* Not Answered

**Question 83:**

Not Answered

*Comment:* Not Answered

**Question 84:**

Not Answered

*Comment:* Not Answered

**Question 85:\***

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 86:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

(5) Not Answered

(6) Not Answered

*Comment:* Not Answered

(7) Not Answered

*Comment:* Not Answered

(8) Not Answered

*Comment:* Not Answered

**Question 87:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

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\* There was an error with question 85(1). On the online form, question 85(1) was a repeat of question 84. The responses provided to both questions have been analysed with this in mind and relevant points incorporated into our policy development.

*Comment:* Not Answered

(3) Not Answered

(4) Not Answered

(5) Not Answered

*Comment:* Not Answered

**Question 88:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 89:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

**Question 90:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

**Question 91:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

(5) Not Answered

(6) Not Answered

*Comment:* Not Answered

(7) Not Answered

**Question 92:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

**Question 93:**

Not Answered

**Question 94:**

Not Answered

**Question 95:**

(1) Not Answered

(2) Not Answered

(3) Not Answered

**Question 96:**

Not Answered

**Question 97:**

(1 & 2) Not Answered

(3) Not Answered

**Question 98:**

Not Answered

**Question 99:**

Not Answered

**Question 100:**

Not Answered

**Question 101:**

Not Answered

**Question 102:**

Not Answered

**Question 103:**

Not Answered

**Question 104:**

Not Answered

**Question 105:**

(1) Not Answered

*Comment:* Not Answered

**Question 106:**

(1) Not Answered

(2) Not Answered

**Question 107:**

Not Answered

**Any further comments**

Commonhold provides an opportunity to think afresh and provide a specifically-designed democratic system for managing buildings.

Commonhold should be mandatory for flats and freehold for houses.

Commonhold is used in Scotland and in the majority of the rest of the world. Leasehold is a feudal and outdated system that must be abolished and assigned to the history books.

Commonhold contains bespoke provisions which cover every aspect of management.



In Commonhold there is no external landlord. Shared services are funded through commonhold contributions, which, importantly, the unit owners control themselves

---



**Name:** Matt Ashley

**Name of organisation:** Osborne Clarke

**Question 1:**

Yes

*Comment:* The current provisions requiring 100% of the tenants to consent to conversion is burdensome. The collective enfranchisement threshold is known and used and strikes a fair balance between requiring a sufficient majority to consent without it preventing enfranchisement operationally.

**Question 2:**

Yes

*Comment:* Unanimity is prohibitive on enabling conversions.

**Question 3:**

Other

*Comment:* I think that commercial tenants should also be able to take part. Conversion to commonhold should not be limited to just the residential sector. That said, a commercial tenant in a mixed use building should not have to participate so precluding the residents from converting.

**Question 4:**

(1) Yes

*Comment:*

(2) Yes

*Comment:* It is only fair that all tenants should eventually be able to convert to commonhold and underpins the policy agenda of giving tenants the status of customers with their own say and choice over property management.

(3) Yes

*Comment:* Having a parallel enfranchisement regime makes no sense. It will, eventually, encourage all long term residential leases to convert to commonhold.

(4) I do not agree with this. Someone should not be compelled if they do not wish to take part in a conversion. They may not be able to afford their share at that point in time.

(5) Other

*Comment:* I would suspend this right in a block of flats that has started to be sold leasehold. Developers should not have to deal with a commonhold conversion part of the way through a development.

(6) (a) by the consenting leaseholders, through the commonhold association which holds the commonhold interest; (c) by a third-party investor, who acquires a long lease of the commonhold unit superior to the non-consenting leaseholder' s lease; (d) by granting a leaseback to the freeholder (who may be compelled to accept the lease), who acquires a long lease of the commonhold unit superior to the non-consenting leaseholder' s lease; and/or

*Comment:*

**Question 5:**

(1) Yes

*Comment:* the threshold should be higher if you are compelling non-consenting leaseholders to take part. I would put on record that I do not agree with option 2.

(2) Yes

*Comment:*

Yes

(3 & 4)

(5) This should be a second charge otherwise it will affect the existing mortgageability of the unit and upset the balance of security on an already-mortgaged unit.

(6) (d) as a percentage of the final sale price, representing the percentage increase in value of the non-consenting leaseholder' s property interest (from leasehold to commonhold) on conversion; or

*Comment:*

(7) the change should rank behind pre-existing charges.

**Question 6:**

(2) the non-qualifying tenant' s rights should be altered so that he or she no longer has the right to challenge service charge costs after they have been incurred, but instead has the same rights to challenge commonhold costs as other unit owners; or

*Comment:*

**Question 7:**

Yes

*Comment:*

**Question 8:**

Yes

*Comment:*

**Question 9:**

Yes, it should be possible for charges to transfer automatically, without requiring lenders' consent.

*Comment:* Requiring lender consent will hold up the process. It should be sufficient if lenders (via UK Finance or other representative body) have approved commonhold documentation that they will be satisfied that it will protect their security that was granted over a leasehold flat.

**Question 10:**

(1) Option 1

(2) I think option 1 is the least cumbersome (and least expensive) to enable tenants to convert to commonhold. If it is made too complex, the right will not be used.

(3)

**Question 11:**

Yes

*Comment:*

**Question 12:**

(1) Yes

*Comment:*

(2) Leaseholders should be required to make a collective decision no longer to proceed with the conversion.

*Comment:* Individuals withdrawing will cause difficulty in funding and process.

**Question 13:**

(1) Yes

*Comment:*

(2) Yes

*Comment:*

**Question 14:**

No

*Comment:* I see nothing wrong in a company changing its articles. It is the easiest route to convert if the freehold is already owned by an FMC

**Question 15:**

I think that collective enfranchisement ought to be replaced with the ability to convert to commonhold. Otherwise you will still have a two tier system whereby tenants will have leases that will be term-limited.

**Question 16:**

(1) Yes

(2)

**Question 17:**

(1) Yes

*Comment:*

(2) Not Answered

*Comment:*

(3)

**Question 18:**

(1) Yes

*Comment:*

(2)

**Question 19:**

This should vary for different powers

*Comment:*

**Question 20:**

(2) section committees affected by an alteration of delegated powers should be given the ability to apply to the Tribunal; or

*Comment:*

**Question 21:**

(1) Yes

*Comment:*

(2) Yes

*Comment:*

(3) Yes

*Comment:*

**Question 22:**

Yes

*Comment:* you make also want to have sections that are tenure based - for example where an affordable housing provider controls sections or floors of a block, the open market units might themselves want to form into a section.

**Question 23:**

Yes

*Comment:*

**Question 24:**

(1) Yes

*Comment:*

(2) Yes

*Comment:*

(3) Yes

*Comment:*

**Question 25:**

(1) Statutory development rights should apply automatically

*Comment:*

(2) yes they should be as wide as possible to allow flexibility to the developer running the scheme and to the members after it has been handed over.

**Question 26:**

(1) No

*Comment:* No - developers will want to retain the ability to sign on behalf of the Commonhold Association and to control it until the development is completed.

(2) Other

*Comment:* they should also have a golden voting right until the development is completed

**Question 27:**

these rights seem fair

**Question 28:**

No

*Comment:* developer should control the commonhold association until the development is completed. Often a developer will want to vary the extent of some managed land part of the way through the development and they should not be ransomed by the other unit owners from doing this

**Question 29:**

**Question 30:**

Not Answered

**Question 31:**

(1) Not Answered

(2) Not Answered

**Question 32:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 33:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

(4) Not Answered

**Question 34:**

(1) Not Answered



*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 35:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

**Question 36:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

**Question 37:**

Not Answered

**Question 38:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

(4) Not Answered

**Question 39:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 40:**

Not Answered

*Comment:* Not Answered

**Question 41:**

Not Answered

**Question 42:**

Not Answered

*Comment:* Not Answered

**Question 43:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 44:**

(1) Not Answered

(2) Not Answered

**Question 45:**

(1) Not Answered

(2) Not Answered

**Question 46:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

**Question 47:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 48:**

(1) Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 49:**

Not Answered

*Comment:* Not Answered

**Question 50:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

(5) Not Answered

*Comment:* Not Answered

**Question 51:**

(1) Not Answered

(2) Not Answered

(3) Not Answered

(4) Not Answered

**Question 52:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 53:**

Not Answered

*Comment:* Not Answered

**Question 54:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 55:**

Not Answered

**Question 56:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

(4) Not Answered

**Question 57:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

**Question 58:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

(5) Not Answered

*Comment:* Not Answered

(6) Not Answered

*Comment:* Not Answered

(7) Not Answered

*Comment:* Not Answered

(8) Not Answered

*Comment:* Not Answered

(9) Not Answered

(10) Not Answered

*Comment:* Not Answered

**Question 59:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 60:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

(4) Not Answered

**Question 61:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

(5) Not Answered

(6) Not Answered

*Comment:* Not Answered

**Question 62:**

Not Answered

**Question 63:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 64:**

Not Answered

*Comment:* Not Answered

**Question 65:**

Not Answered

*Comment:* Not Answered

**Question 66:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

**Question 67:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 68:**

Not Answered

*Comment:* Not Answered

**Question 69:**

Not Answered

**Question 70:**

Not Answered

*Comment:* Not Answered

**Question 71:**

Not Answered

*Comment:* Not Answered

**Question 72:**

Not Answered

**Question 73:**

Not Answered

*Comment:* Not Answered

**Question 74:**

Not Answered

*Comment:* Not Answered

**Question 75:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

**Question 76:**

Not Answered

*Comment:* Not Answered

**Question 77:**

Not Answered



*Comment:* Not Answered

**Question 78:**

Not Answered

*Comment:* Not Answered

**Question 79:**

(1) Not Answered

(2) Not Answered

**Question 80:**

Not Answered

**Question 81:**

Not Answered

**Question 82:**

Not Answered

*Comment:* Not Answered

**Question 83:**

Not Answered

*Comment:* Not Answered

**Question 84:**

Not Answered

*Comment:* Not Answered

**Question 85:\***

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

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\* There was an error with question 85(1). On the online form, question 85(1) was a repeat of question 84. The responses provided to both questions have been analysed with this in mind and relevant points incorporated into our policy development.

*Comment:* Not Answered

**Question 86:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

*Comment:* Not Answered

(5) Not Answered

(6) Not Answered

*Comment:* Not Answered

(7) Not Answered

*Comment:* Not Answered

(8) Not Answered

*Comment:* Not Answered

**Question 87:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

(4) Not Answered

(5) Not Answered

*Comment:* Not Answered

**Question 88:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

**Question 89:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

**Question 90:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

**Question 91:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

*Comment:* Not Answered

(3) Not Answered

*Comment:* Not Answered

(4) Not Answered

(5) Not Answered

(6) Not Answered

*Comment:* Not Answered

(7) Not Answered

**Question 92:**

(1) Not Answered

*Comment:* Not Answered

(2) Not Answered

**Question 93:**

Not Answered

**Question 94:**

Not Answered

**Question 95:**

(1) Not Answered

(2) Not Answered

(3) Not Answered

**Question 96:**

Not Answered

**Question 97:**

(1 & 2) Not Answered

(3) Not Answered

**Question 98:**

Not Answered

**Question 99:**

Not Answered

**Question 100:**

Not Answered

**Question 101:**

Not Answered

**Question 102:**

Not Answered

**Question 103:**

Not Answered

**Question 104:**

Not Answered

**Question 105:**

(1) Not Answered

*Comment:* Not Answered

**Question 106:**

(1) Not Answered

(2) Not Answered

**Question 107:**

Not Answered

**Any further comments**

Not Answered

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**Name:** Gail Nelson

**Name of organisation:** none

**Question 1:**

Yes

*Comment:* following RTM being obtained leaseholders are still being liable for service charges for ground maintenance and ground rent. Why should this be the case. leaseholders have 'bought' the property.

**Question 2:**

Yes

*Comment:* Changing the unfair system of leasehold to Commonhold would be beneficial to all leaseholders and avoid the financial trap created by leasehold.

**Question 3:**

Yes

*Comment:* As a RTM director of a small block of leasehold flats I would be happy to participate in this decision.

**Question 4:**

(1) Yes

*Comment:* I have seen the difficulties of leaseholders and the suffering of high service charges and taken the trouble and costs to obtain RTM for our flats.

(2) Yes

*Comment:* Not sure why there should be a cost or why any leaseholder would object.

(3) Yes

*Comment:* Obtaining the RTM proves our desire to take control of our properties and manage costs ourselves

(4) I believe any buying a leasehold property these days would welcome this. Leasehold properties presently are not popular with buyers.

(5) Yes

*Comment:* Would prefer Commonhold but 999-year leases a 2nd best option

(6) (a) by the consenting leaseholders, through the commonhold association which holds the commonhold interest; (b) by the consenting leaseholders, through a company (owned by them) which acquires the commonhold interest;

*Comment:* third parties or freeholders should not have control over the properties presently 'owned' by leaseholders. this is the system that needs to be scrapped

**Question 5:**

(1) No

*Comment:* 50% should be maximum required

(2) Yes

*Comment:* making freeholders take commonhold of any unlet flats to ensure all leasehold properties are covered by commonhold

No

(3 & 4) non-consenting leaseholders should pay any charges due prior to being able to sell their property

(5) the mortgagee to provide the finance with consenting leaseholders RTM/company benefiting or recouping monies paid

(6) (b) as that fixed amount, with interest;

*Comment:* consenting leaseholders should be able to recover their costs including any interest paid to cover non-consenting share.

(7) All charges to be paid in full before any property sale with no priority to any

**Question 6:**

(1) a cap should be placed on the amount of commonhold costs which are recoverable from the former leaseholder or freeholder, to reflect the costs that are recoverable from the non-qualifying tenant; (2) the non-qualifying tenant's rights should be altered so that he or she no longer has the right to challenge service charge costs after they have been incurred, but instead has the same rights to challenge commonhold costs as other unit owners; or

*Comment:* The commonhold costs should be fair and reasonable and certainly not a decision made by freeholders. Non-qualifying tenants should have a right to question charges that they are being asked to pay.

**Question 7:**

No

*Comment:* 50% consent should give automatic rights to convert to commonhold.

**Question 8:**

No



*Comment:* All leaseholders should be included in the automatic conversion to commonhold irrespective of length of lease. Option for lease extension should be given.

**Question 9:**

Yes, it should be possible for charges to transfer automatically, without requiring lenders' consent.

*Comment:* Obtaining lenders consent would be another cost for the leaseholder. Commonhold would be of greater benefit to lenders as property more sellable and valuable.

**Question 10:**

(1) Option 1

(2) 50% consenting leaseholders is adequate and trying to reach a 80% of leaseholders is not always possible as some properties are owned by absent leaseholders.

(3) none

**Question 11:**

No

*Comment:* Freeholders will not be likely to agree and should not be given the option of refusing.

**Question 12:**

(1) Yes

*Comment:* any consent given should never lapse Converting to commonhold should be as easy as possible and no procedure should have to be done more than once.

(2) Other

*Comment:* All leasehold properties should be converted to commonhold and leasehold should be abolished.

**Question 13:**

(1) Yes

*Comment:* acquiring enfranchisement takes time and effort for leaseholders to try and take control of their properties. Commonhold should be created at any time changes are made to the leasehold conditions.

(2) Yes

*Comment:* HM Land Registry evidence should be sufficient for lenders.

**Question 14:**

Yes

*Comment:* Anything to make it easier for leaseholders. Most leaseholders and home owners trying to take control of their homes and do not have any legal skills or knowledge.

**Question 15:**

The proposals for the conversion procedure appears to be satisfactory

**Question 16:**

(1) Yes

(2) none

**Question 17:**

(1) Yes

*Comment:* commercial and residential developments need different management.

(2) Other

*Comment:* I do not disagree and expressed agreement at Question 17 above

(3) none

**Question 18:**

(1) Yes

*Comment:* Options allow choice and adaptation if necessary

(2) I do not disagree

**Question 19:**

It should be for each commonhold to decide.

*Comment:* Each development may have different requirements and decisions are best left to those residing at the properties

**Question 20:**

(1) directors should be able to revoke or alter the powers delegated to a section committee as they wish;

*Comment:* directors are voted to represent the residents and should be free to make decisions as necessary on behalf of those being represented.

**Question 21:**

(1) Yes

*Comment:* working in theory is not always the same as working in practice so ability to change is preferable

(2) Yes

*Comment:* in this scenario the I think 75% is appropriate

(3) No

*Comment:* disputes by unit owners should be resolved by all unit owners by majority not by costly tribunals.

**Question 22:**

Yes

*Comment:* none

**Question 23:**

Yes

*Comment:* impossible to manage if not classed as one unit

**Question 24:**

(1) Yes

*Comment:* 75% in favour is adequate for resolution

(2) No

*Comment:* resolution must be by majority voting and discussion not by costly tribunals

(3) Yes

*Comment:* If the majority of voters agree then no further conditions required

**Question 25:**

(1) Statutory development rights should apply automatically

*Comment:* the less inexperienced residents need to engage legal advice the better

(2) statutory rights should include all matters likely to apply in commonhold developments. Better to have rights included at introduction of commonhold

**Question 26:**

(1) Yes

*Comment:* developers should not have a say in a development that it is no resident in. Once development completed then all matters should be left with the owners to decide.

(2) Yes

*Comment:* if developers become owners then voting rights apply to those units only

**Question 27:**

none

**Question 28:**

Yes

*Comment:* once the developer has sold a unit then the developer should have no further control or voting rights of that unit

**Question 29:**

No advantage of having a transitional period for registration of new commonhold developments

**Question 30:**

No. Any association collecting funds should make annual statement and file accounts. They must be accountable to owners.

**Question 31:**

(1) have no idea on this subject. Associations managing properties by collecting service charges and paying maintenance cost are not trading and should not be insolvent

(2) owners are responsible for the association finances and annual accounts should be provided to ensure all is in order and being run efficiently

**Question 32:**

(1) Yes

*Comment:* appointing an administrator in extreme cases possibly best way forward

(2) Yes

*Comment:* I cannot imagine where this would happen unless all units have been vacated

**Question 33:**

(1) Yes

*Comment:* residential units need management for communal maintenance at all times.

(2) Only if residents fail to appoint a new association

(3) No

(4) having one association fail would be a disaster to residents who would have lost funds presumably so involving a court and extra legal costs would not be appropriate

**Question 34:**

(1) Yes

*Comment:* unit owners should be given a chance to recover from a possible corrupt association and reform a new association without further demands. Possible insurance cover to avoid such events should be considered

(2) Yes

*Comment:* making live a misery following an unfortunate event never does anyone any good

**Question 35:**

(1) No

*Comment:* many owners of leaseholds are landlords and provide accommodation to renters who rent for various reasons many work related mobility requirements.

(2) There is already legislation for landlords in the PRS and no further requirement

Present leases apply to owners and are not specific to letting. CCS is not required to impose any restrictions other than those already included in the current leases

**Question 36:**

(1) Yes

*Comment:* allowing event fees should be banned. Common sense self management by owners will suffice

(2) Not Answered

*Comment:* Commonhold associations should be allowed to set their own requirements

(3) None

**Question 37:**

No further restrictions

**Question 38:**

(1) No

*Comment:* keeping the CCS similar to present leases will suffice . All present leases have had solicitor inspection previously and owners given advice at the time of purchase

(2) Cannot see any need for amendments

(3) Extra cost of using a tribunal is not warranted

(4) anything not in the lease does not need to be in the CCS

**Question 39:**

(1) Yes

*Comment:* one set of regulations is better than reproduction in each CCS

(2) Yes, the directors of the commonhold association should be under such a duty

*Comment:* new owners will need this information before purchasing a property for their solicitor to check and provide advice

**Question 40:**

Yes

*Comment:* any amendments and improvements should be implemented

**Question 41:**

none

**Question 42:**

Yes

*Comment:* make all procedures like election of directors as simple as possible

**Question 43:**

(1) Yes

*Comment:* I envisage most developments would find someone willing to serve as a director as it is their property and their interests that are being assured

(2) No

*Comment:* only residents or owners will be make the best decisions

(3) Other

*Comment:* only if a fixed and reasonable charge if offered for the service

**Question 44:**

(1) Cannot envisage this scenario and ma unable to comment. Any problems created by inappropriate renting should be dealt with by local councils

(2) i cannot envisage any problems so am unable to comment

**Question 45:**

(1) Being a director of a RTM Company leads me to believe that provision of proxy voting is rarely required and have never experienced it being requested. Owners usually are interested in the management and security of their assets

(2) (2) some other device (please specify). Associations should decide if proxy votes to be accepted

**Question 46:**

(1) Yes

*Comment:* the communal insurance should be arranged by the association and agreed by the directors

(2) Yes

*Comment:* commonhold associations should obtain quotes and ensure adequate and suitable insurance cover

(3) none

**Question 47:**

(1) Yes

*Comment:* all owners should receive a copy of the building insurance either with the statement of accounts or by request

(2) No

*Comment:* Unit owners should supply insurance copies to their mortgage lenders

Insurance policy copies should be provided to all owners at time of renewal, included with annual statement or on request

**Question 48:**

(1) insurers will make available any insurance policies required by law to cover all requirements. Insurers will quickly incorporate commonhold insurance in their offered services once commonhold is made legal

(2) No

*Comment:* insurers are best placed to put a value and requirement for cover than any Secretary of State

**Question 49:**

No

*Comment:* this maybe appropriate for larger developments but for small developments where need for several directors and officers is not necessary then the extra cost could prove burdensome

**Question 50:**

(1) No

*Comment:* if this is what is stated in the original lease then agreed. With technology advancing then proposing 'like with like' may prevent enhancements to a property being made. e.g. replace present lighting with LED lighting is more efficient and cost effective and many properties are now investing in this

(2) Yes

*Comment:* that makes sound reasoning and ensures the cost is deductible as an expense and not considered an improvement for tax purposes

(3) Yes

*Comment:* as technology improves then improvement to properties follows

(4) Yes

*Comment:* communal areas should be decided by owners and form part of service charges. Internal units for owners to decide within terms of CCS

(5) Yes

*Comment:* none

**Question 51:**

(1) Local rules

(2) none

(3) Rights of entry to be decided by local rules

(4) to be decided by local rules

**Question 52:**

(1) No

*Comment:* any alterations should be as presently stated in the lease

(2) No

*Comment:* all alterations should be as per current lease.

(3) (2) some other criterion



*Comment:* alterations should be made in accordance with the terms of the lease. Altering say windows in a flat may made the overall external look of the building unsightly or siting of arials on outside walls undesirable by other flat owners. The leases were designed to alleviate problems with damaging the building structure of appearance of the external elements. Someone changing a window in a flat that has won awards for its design of its building could create an eyesore and make all flats in that development unpopular. Do not legislate this

**Question 53:**

Other

*Comment:* have no experience of problems with long term contracts

**Question 54:**

(1) Yes

*Comment:* association directors would be able to arrange these changes where necessary e.g. insurance policies

(2) Yes

*Comment:* contracts are usually agreed annually to allow for price changes. long term contracts are usually used for fixed price contracts e.g. electricity suppliers

(3) Yes

*Comment:* I believe 6 mths is adequate length of time

**Question 55:**

none

**Question 56:**

(1) Yes

*Comment:* A present RTm Company would have no problems with his

(2) Yes

*Comment:* present arrangements in place will allow for this

(3) the same owners will be approving so there should be no difficulty with agreement

(4) I cannot envisage and approval not being reached with the developments I am involved with

**Question 57:**

(1) No

*Comment:* improvements are agreed with unit owners and budgets set and reserve funds set aside to cover this type of expenditure. I see no reason for a cap. This would have been good to have when freeholders were carrying out 'improvements' and charging extortionate costs to be reclaimed from leaseholders. With Commonhold this will not happen as owners will be in control

(2) Other

*Comment:* this should not apply to already built units where owners already have a RTM Company

(3) No

*Comment:* This should not apply to units already having a RTM Company and being controlled by owners and appointed directors.

(4) No

*Comment:* depends on when the expenditure was incurred and for what reason. If in excess of budget but required from an emergency event then provide proposed expenditure would not be permissible

**Question 58:**

(1) Yes

*Comment:* all associations should hold a reserve fund to allow for future maintenance e.g, outside building painting

(2) Yes

*Comment:* important for clarity of budget presentation of costs

(3) Yes

*Comment:* this should be based on service charges by percentage or estimate cost requirement

(4) Yes

*Comment:* directors and owners need to be able to control their own funds and arrange their own expenditure

(5) Yes

*Comment:* necessary as stated above

(6) Yes

*Comment:* only if debt relates to reserve fund provisions

(7) Yes

*Comment:* reserve funds are built up over many years and any wrongful behaviour of maybe one person should not penalise all owners

(8) Other

*Comment:* I do not see any reason for changing the designation of a reserve fund or to the use of costly tribunal

(9) a reserve fund is set aside for particular purposes if unexpected expenditure arises then the necessary funds should be collected from unit owners

(10) No

*Comment:* reserve funds are built up to the future requirement costs of maintaining the building in a good and safe standard. Costs are calculated and spread over as many years as expected expenditure is due. This cannot be done at the same time as service charges

**Question 59:**

(1) Yes

*Comment:* this again should be as per present leases or as agreed e.g. by unit floor agree

(2) each commonhold should have total flexibility

*Comment:* as each development is different so will the costs be different

**Question 60:**

(1) Yes

*Comment:* should be as per lease or by amendment related to property alterations

(2) I agree

(3) Yes this is acceptable

(4) commercial and residential should be treated as separate issues unless calculating say communal ground maintenance for example

**Question 61:**

(1) Yes

*Comment:* this certificate would likely satisfy solicitors when verifying properties in the due process of sale

(2) No

(3) Yes

*Comment:* any costs should be clearly set out

(4) Yes

*Comment:* this fee should be kept at a reasonable level and reviewed

(5) no experience so unable to comment

(6) CUIC should be amendable

*Comment:* if errors made then they should be corrected

**Question 62:**

I see no reason why the commonhold association should apply for a fixed or floating charge on a unit

**Question 63:**

(1) Other

*Comment:* I do not understand the reasoning for this so cannot answer

(2) Other

*Comment:* I do not understand why the charge is being considered so cannot answer

**Question 64:**

Other

*Comment:* do not understand the reasons for the charge being necessary so cannot answer the question

**Question 65:**

Other

*Comment:* I have no experience of shared ownership leases so cannot answer

**Question 66:**

(1) Other

*Comment:* I have no experience of shared ownership leases so cannot answer

(2) Other

*Comment:* I have no experience of shared ownership leases so cannot answer

(3) Other

*Comment:* I have no experience of shared ownership leases so cannot answer

(4) Other

*Comment:* I have no experience of shared ownership leases so cannot answer

**Question 67:**

(1) Other

*Comment:* I have no experience of shared ownership leases so cannot answer

(2) Other

*Comment:* I have no experience of shared ownership leases so cannot answer

(3) Other

*Comment:* I have no experience of shared ownership leases so cannot answer

**Question 68:**

Other

*Comment:* I have no experience of land trusts of co-operatives so cannot answer

**Question 69:**

none

**Question 70:**

Other

*Comment:* unsure of the question

**Question 71:**

Other

*Comment:* unsure of question

**Question 72:**

unsure of question

**Question 73:**

Yes

*Comment:* disputes are better resolved with other owners or directors involvement

**Question 74:**

Other

*Comment:* never seen the forms which accompany the dispute resolution procedure so unable to comment

**Question 75:**

(1) Yes

*Comment:* disputes are best settled within the development rules

(2) Yes

*Comment:* sounds like a good idea

**Question 76:**

Yes

*Comment:* yes, common sense most important at all times

**Question 77:**

Yes, the procedure should be transferred to a pre-action protocol.

*Comment:* is not resolved in house then other options to be considered

**Question 78:**

Other

*Comment:* I object to any tribunals being involved as history shows costly and unsatisfactory results

**Question 79:**

(1) Other

(2) this should be in keeping with the terms of the leases

**Question 80:**

none

**Question 81:**

I am unable to envisage a situation where resorting to Tribunals would be necessary so cannot answer this question

**Question 82:**

Other

*Comment:* I am unable to envisage a situation where resorting to Tribunals would be necessary so cannot answer this question

**Question 83:**

No, the commonhold association should not be provided with enhanced powers.

*Comment:* the terms of present leases should be referred to

**Question 84:**

Other

*Comment:* the terms of present leases should be referred to

**Question 85: \***

(1) Other

*Comment:* the terms of present leases should be referred to

(2) Other

*Comment:* no experience of statutory charges so cannot answer

**Question 86:**

(1) Other

*Comment:* terms of the current lease should be followed

(2) the commonhold association directors should make all decisions in line with lease terms

(3) Other

*Comment:* directors to discuss and take legal advice

(4) Other

*Comment:* directors should take legal advice before any court action

(5) directors should take legal advice before any court action

(6) Other

*Comment:* directors should take legal advice before any court action

(7) Other

*Comment:* directors should take legal advice before any court action

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\* There was an error with question 85(1). On the online form, question 85(1) was a repeat of question 84. The responses provided to both questions have been analysed with this in mind and relevant points incorporated into our policy development.

(8) Other

*Comment:* directors should take legal advice before any court action

**Question 87:**

(1) Other

*Comment:* directors should take legal advice before any court action

(2) Other

*Comment:* directors should take legal advice before any court action

(3) directors should take legal advice before any court action

(4) directors should take legal advice before any court action

(5) Other

*Comment:* directors should take legal advice before any court action

**Question 88:**

(1) Not Answered

*Comment:* directors should take legal advice before proceeding

(2) Other

*Comment:* directors should take legal advice before any action

(3) Other

*Comment:* directors should take legal advice before any action

**Question 89:**

(1) Other

*Comment:* directors should take legal advice before any action

(2) directors should take legal advice before any action

**Question 90:**

(1) Other

*Comment:* directors should take legal advice before any action

(2) Other

*Comment:* directors should take legal advice before any action



(3) Other

*Comment:* directors should take legal advice before any action

(4) directors should take legal advice before any action

**Question 91:**

(1) Other

*Comment:* directors should take legal advice before any action

(2) Other

*Comment:* directors should take legal advice before any action

(3) Other

*Comment:* directors should take legal advice before any action

(4) directors should take legal advice before any action

(5) directors should take legal advice before any action

(6) Other

*Comment:* directors should take legal advice before any action

(7) directors should take legal advice before any action

**Question 92:**

(1) Not Answered

*Comment:* directors should take legal advice before any action

(2) directors should take legal advice before any action

**Question 93:**

none

**Question 94:**

freedom from excessive charges from freeholders for service charges and ground rent

**Question 95:**

(1) no experience

(2) no experience

(3) no experience

**Question 96:**

no experience

**Question 97:**

(1 & 2) no experience

(3) no experience

**Question 98:**

no experience

**Question 99:**

no experience

**Question 100:**

no experience

**Question 101:**

no experience

**Question 102:**

no experience

**Question 103:**

no experience

**Question 104:**

no experience

**Question 105:**

(1) Not Answered

*Comment:* no experience

**Question 106:**

(1) no experience

(2) no experience

**Question 107:**

no experience

**Any further comments**

none

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