

Metcalfe Court

Although the leases at Metcalfe Court do not state that a ballot needs to be conducted, the lease states that Notices have to be issued to all leaseholders to vary a service. The freeholder has an obligation to provide the services allowed for in the lease and must be certain that it is not withdrawing a service which leaseholders require and expect.

The Lease states, in effect, that the Landlord may vary the "core" services provided that 75% or more of Leaseholders are in favour of such a change. When a development wants the service varied to a visiting House Manager we initially ask the residents to carry out their own ballot to ascertain the level of support for the variation. If there is sufficient support, the Landlord carries out its own ballot. Again if the Landlord's ballot finds sufficient support, Notices are issued. Even if the residents ballot detailed that 100% of leaseholders wanted a change we would still carry out our own ballot. Whilst all developments are dealt with on a case by cases basis, this would be the way in which a request for variation would normally be handled.

Further to discussions between Fairhold and Mrs Beech (a resident at Metcalfe Court who states that the "ballot" was, in fact, a show of hands with her recording the names of those who voted) I have spoken with David Williams, Partner, of Chronnell Hibbert (at 12.45 am on 28th May 2013).

Mr Williams advises me that

- Chronnell Hibbert did not organise the ballot at Metcalfe Court
- Chronnell Hibbert were not presents at the ballot
- Chronnell Hibbert did not scrutinise or verify the ballot

This directly contradicts your assertion that the "residents took the unusual step of employing local solicitors ... to record the vote".

You claim that the residents vote was 49 to three against re-appointment.

- We are informed by Mrs Beech (on 26th March 2013 at 17.41) that the vote was 37 to four against.

Louise Smith

From: mo.beech@gmail.com
Sent: 26 March 2013 17:41
To: Louise Smith
Subject: Re: position of house manager

Dear Louise.

Thank you for your quick response. The number for the motion was 37 Against 4 There are however quite a lot of empty apartments. regards Maureen Beech

From: Louise Smith
Sent: Tuesday, March 26, 2013 5:12 PM
To: mo.beech@gmail.com
Subject: RE: position of house manager

Dear Mrs Beech

Do you have numbers of leaseholders for and against?

Regards

Louise

You claim that six empty flats were counted as abstentions. Our records show that 15 leaseholders have non-Metcalf Court correspondence addresses.

- Given that there are 59 units at Metcalfe Court, it would appear (37+4-59) that 18 leaseholders were not involved in (or abstained from) the ballot. As leaseholder of the Manger's flat, Fairhold should have been invited to participate in the vote – they were not informed of the vote.

You state that "one of the three has since made it clear that she wants to change her mind". Could this actually be one of the four we were informed about by Mrs Beech? Furthermore, if this ballot is expected to be taken seriously, how can voters subsequently change their vote?

Whilst, as stated, we would normally conduct our own ballot to vary the provision of a core service, we have good reason for conducting a secret ballot in this instance.

As long ago as October 2010, representatives of Fairhold met with the residents to discuss their request to vary the service to a visiting House Manager. Prior to the meeting we were advised by a resident that the Residents Association Committee were "bullying" the other residents to have a visiting House Manager. We also received a call from the worried daughter of a resident asserting that the Committee were causing "upset" at Metcalfe Court and were "not speaking for all the residents". It was apparent from the meeting that it was the Committee who wanted a change and not the majority of the residents.

More recently, we have had a complaint that the Residents Association is bringing "undue pressure" to bear on residents who wish to maintain the resident manager.

Today, we have received a call from another resident who said she wanted (understandably) to speak in confidence. They said that the Residents Association are "very powerful" and they are lobbying to ensure the residents vote for a visiting House Manager in the Landlord's ballot. They also said so many residents are "too scared to stand up to the Residents Association" and it would be so sad if the change went ahead.

In light of worrying allegations of bullying; the uncertainty about the conduct and unclear result of the residents own ballot; the freeholder intends to ensure that all leaseholders' views are represented (including non-residents) and that the ballot is both fair and verifiable. The reason for a resident not being present at the count is – in light of the allegations of bullying – to preserve the anonymity of the voters. Under the circumstances, we would be happy for Andrew Stunnell MP to be present at the count.