

## **Hampstead Garden Suburb Trust**

### **Complaints Procedure**

#### **General**

Any complaint about any of the policies or actions of the Trust or its staff or with reference to any financial charges made by the Trust should be made in the first instance to the Trust Manager. In the case of refusal of consent to alter the appearance of a property, under either the Scheme of Management or the terms of a lease, the Trust operates an internal Review procedure. The Trust Manager will endeavour to resolve other complaints by informally arranging as necessary a meeting or meetings to discuss the matter with the Trust staff and, as appropriate, with one or more Trustees. If the issue cannot be resolved to the satisfaction of the person making the complaint then the complainant should put their complaint in writing to the Chairman who will draw it to the attention of the Trust Council.

Contact:- The Trust Manager  
Hampstead Garden Suburb Trust  
862 Finchley Road  
London NW11 6AB  
Telephone 020 8455 1066 or 020 8458 8085

#### **Further steps**

If any matter cannot be settled by discussion or Review with the Trust then a complainant can seek a remedy in a number of ways depending on the nature of the complaint.

**In general, the Charity Commission and the Courts will expect a complainant to be able to demonstrate they have attempted to resolve their complaint informally with the Trust before resorting to formal methods of resolution.**

#### **Charity Commission**

If a complaint is with reference to the exercise of the Trust's powers and obligations as a Charity under its Memorandum and Articles of Association then the complaint should be submitted to the Charity Commission.

Contact:- Website: <http://www.charity-commission.gov.uk>

The Commission prefer contact to be made with them by e-mail but their postal address is:-

Charity Commission Direct  
PO Box 1227  
Liverpool  
L69 3UG  
Telephone 0845 300 0218

#### **High Court or Lands Tribunal**

Where the Trust's review procedure fails to resolve an application for alteration(s) to a property, the applicant may have a remedy in the Lands Tribunal or in the High Court. At all times an applicant should seek his or her own legal advice on how to proceed

#### **Leasehold Valuation Tribunal**

##### Estate and Service Charges

All charges made by the Trust, whether to leaseholders (service charges under the terms of leases), or to freeholders (estate charges under the Scheme of Management), are subject to regulation by the Leasehold Valuation Tribunal under section 27a of the Landlord and Tenant Act 1985 (for service charges) or section 159 of the Commonhold and Leasehold Act

2002 (for estate charges). The Tribunal is empowered to determine all aspects of any estate or service charge. Anyone liable to pay such a charge may apply to the Leasehold Valuation Tribunal for a determination of their liability.

### Variation of the Scheme of Management

If the complaint is about the provisions of the Scheme of Management then an application can be made to the Leasehold Valuation Tribunal for one or more of them (including the way in which the Management Charge is levied) to be varied. Anyone liable to pay the Management Charge may apply to the Leasehold Valuation Tribunal under section 159 of the Commonhold and Leasehold Reform Act of 2002.

Alternatively anyone liable to pay the Management Charge may apply to the Leasehold Valuation Tribunal for the variation of the provisions of the Scheme of Management as provided in the Scheme of Management itself. Such an application requires the support of at least one third of the Freeholders (currently about 1,200 out of approximately 3,600).

The Leasehold Valuation Tribunal envisages that applicants may appear before it without legal representation.

Contact:- Telephone for general inquiries 0845 300 0218

Website: [http://www.rpts.gov.uk/about\\_us/lvt.htm](http://www.rpts.gov.uk/about_us/lvt.htm)

Regional office address:

Residential Property Tribunal Service

10 Alfred Place

London WC1E 7LR

Telephone 020 7637 1250

### **Determination of the Management Charge by a Surveyor**

Under the terms of the Scheme of Management 200 or more freeholders may petition the Trust for the appointment of a Surveyor to determine the Management Charge. This is an alternative to an approach to the Leasehold Valuation Tribunal with a complaint about any aspect of the Management Charge by any individual liable to pay the Charge. The costs of such a determination are met by Freeholders through the Management Charge.

### **Advice**

1. The Trust is unable to give legal advice on which it would be possible to rely in Court; the advice given here is in general terms and is not exhaustive; it does not include, for example, any reference to questions relating to leases, enfranchisement or the provisions of the Companies Act. Accordingly you are advised to seek your own legal advice on any issue.
2. Further information from the Trust about its operations may be found in *The Trust Gazette*, all the past issues of which are available on the Trust's website at <http://www.hgstrust.org>
3. The Charity Commission and the Leasehold Valuation Tribunal are both able, as appropriate, to advise on procedures. Alternatively or in addition a complainant should seek advice from a solicitor.

### **Documentation**

Copies of the Trust's Memorandum and Articles of Association and of its Scheme of Management can be obtained from the website or the Trust Office.