

The Element, Newhaven, Owners Association Committee

Minutes of Zoom Meeting 14th July, 2020
7.00pm

Preliminaries:

a) **Present:** (*in the Zoom room*): Rodney Matthews (RM—Chairman), Ken Webb (KW—Secretary), Martyna Adamowicz (MA), Tony Barry (TB), Jane Brook (JB), Alastair Byres (AB), Grant Laing (GL), Evan Simpson (ES). There were no apologies.

b) **Congratulations to TEF**

The Chairman welcomed members to the meeting and noted that this was TEF's fifth anniversary since taking over as our Factors. The committee wanted to congratulate TEF for their excellent work and look forward to a fruitful relationship in the year to come.

1. Minutes of last meeting

These were passed as an accurate record of the meeting. There were no matters arising that were not going to be dealt with in the rest of the agenda for this meeting.

2. TEF report

a) **Finance report**

AB reported that he had examined the TEF financial report and had spoken with Simone Myburgh about it. He made the following observations

- I) The amount owed by debtors remains high at £19,000. There are 17 owners in arrears of whom 6 owe a total of £12,741. (67% of the total). Simone has confirmed that all are being taken through the debt collection process, apart from the few that have agreed a repayment plan.
- II) Green and Red Funds are on budget but we have the cost of the garage ramp temporary repair at £4,350 plus VAT which will be due for payment in August. No other work from the F3 Surveyors report is being undertaken. Finance from this fund is being used for day to day repairs and maintenance as it arises.

The committee had no other questions and the report was accepted.

b) **Critical Risk Survey Report Update**

AB said he had not yet received the report and recommendations on the priority remedial work from the F3 Survey which we requested after our June meeting. The committee asked AB to take this matter forward. It is hoped to be able to circulate this before our next meeting, as budgets are due to be drawn up in August. **ACTION: AB**

c) **Update on NHBC claim**

RM said that NHBC had not yet responded to letter sent after the last meeting. The committee requested RM/KW to prompt them with date deadline.

d) *Baltic Solutions update*

AB noted that work to repair the garage entrance ramp is due to start on 20/07/2020. The committee received the report as sent in the spreadsheet without comment.

e) *Balcony maintenance*

KW said that a member had been in touch to ask about getting our balconies checked and painted as is being done in the Western Harbour Development next door. AB said that the company they are using, Edinburgh Rope Access, is the same as a group of owners with properties on the corner of WHV and WHB used to clean their windows. The committee noted that, according to our title deeds, each owner is responsible for the repair and maintenance of their own balconies.

3. Chairman's Update

a) *Structural alterations around the patio spaces of ground floor properties*

RM reported that several members have complained about a fence that has been erected around the patio space of a property facing Western Harbour Drive, citing that it was unsightly and not in keeping. TEF insist that though the owner (not a member of TENOA) informed them of his proposal, they had not granted permission for the structure that has already been constructed.

The Committee were of the opinion that we should not get involved in this matter, since it was not the committee's responsibility. The Deed of Conditions makes it clear (Clause 16.2) "No structural or external alterations shall be made to any of the Flats, Commercial Units or Parking Spaces or to any part thereof except with the prior consent in writing of the Property Manager. ..."

However, the committee acknowledged personal security and privacy was a legitimate concern for those with properties on the ground floor with no barrier between the edge of their outside space and the pavement. These concerns had been exacerbated by the increase in numbers of people walking around the development during lockdown. RM is aware of at least one other owner in the same position who would like to erect a fence for these reasons, and is submitting a request to TEF in the proper manner.

However, the committee felt it important that any alterations erected with the permission of TEF, must meet Building Regulations and should be in keeping with other constructions that were installed at the time that the development was constructed.

Any owner who is thinking of any structural or external alterations must contact TEF in writing, since according to our title deeds, it is they who need to grant permission for the work to proceed. In addition the owner needs to submit their plans to the Edinburgh City Council's planning department. Owners of properties can then register an objection to the council if they wish.

ACTION: TEF

b) *Obtaining legal advice regarding the basis on which TENOA operates vis à vis our constitution and our Title Deeds.*

Questions have been raised as to what authority TENOA has to act on behalf of owners. Hence the committee advised RM to obtain legal advice from Anderson

Strathern, the solicitors who TENOA contracted to draw up our constitution.

ACTION: RM

c) *EWS1 certification and questions regarding cladding*

KW reported that a member who has a contact in another development in the area, had passed on to him a document where it is clear that it is necessary to hold the EWS1 certificate at stairwell level, as the overall building has to be taken into account. Apparently they had already contracted someone to undertake a survey of cladding and this work had been completed. The committee asked KW to follow this up to find out more about this matter and to see how much this survey had cost and who had authorised it on behalf of the owners, the owners association or the property manager.

ACTION: KW

4. Secretary's Update

- a) *Membership:*** KW reported that, overall, membership has remained the same (249 members, 209 voting members) though there have been some changes of ownership and one death.
- b) *Website: managing this continues to be a concern.***
- c) *Complaints about noisy guests:*** KW reported that there have been several incidents where guests in short lets that have been let to essential workers have held noisy parties. These have all been dealt with promptly, thanks to our neighbourhood watch network and the prompt action of owners. Owners of all short let properties are asked to request guests not to hold noisy parties in properties they occupy. In the case of Air BnB lets this can be stipulated in their 'house rules', but something similar can be done by any agency.

5. TENOA activities / planning

- a) *Planning for AGM:*** The committee were of the opinion that we need to hold this only when we can safely do so in person and did not favour the webinar format. A date has not yet been set. Meanwhile people are encouraged to nominate fresh members during the coming month using the nomination form that can be found under the committee tab on the website.

6. AOCB

- a) *Food waste bins:*** Whilst many want to be able to recycle food waste responsibly others noted the fact that communal food waste bins in basements such as ours attract vermin and can cause unpleasant odours. KW reported that Jakub Swidzinski had been in touch with the City of Edinburgh Council about this matter shortly before lockdown. **ACTION: KW to follow up**
- b) *Solar Panels:*** ES had suggested that, in view of the UK government setting aside money for owners to apply for a grant to install solar panels, we look at the possibility of installing solar panels on the roof of our development. However, this grant is a devolved matter which has not yet been decided by the Scottish Government. And, given other work that was urgently needing to be done in the next year, this could not be granted priority.

7. Date of next meeting.

Wednesday 12th August, 7.00pm