

# The Element, Newhaven, Owners Association Committee

Minutes of Meeting on 7<sup>th</sup> July, 2021  
7.00pm (On Zoom))

## Preliminaries:

- a) **Present:** Rodney Matthews (RM—Chairman), Ken Webb (KW—Secretary), Tony Barry (TB), Linda Gilroy (LG), Grant Laing (GL)
- b) **Apologies:** Martyna Adamowicz (MA)

## 1. Minutes of last meeting

All were agreed that these were an accurate record of the meeting

## 2. Matters arising (*not dealt with elsewhere*)

### a) **Complaints procedure** (7 AOCB)

Having agreed that the current complaints procedure does not offer any way forward when a dispute remains, the committee discussed various options that might help resolve the situation. **ACTION:** LG and KW to work on this in relation to a current complaint.

b) *No other matters were raised by committee*

## 3. TEF report

a) **Finance report from SM :** Since the committee had only received the report the day of the meeting GL agreed to look at it in detail and bring any questions directly to Simone Myburgh and then report back to the committee. **ACTION: GL**

b) **Ops. Report:** KW noted that Jakub Swidzinski had simply updated us on the same matters he is dealing with in last month's report. These include the cost of lift repairs (£17,650) that will take us over budget this year, dealing with water ingress to the BT CCTV and Pump room and the corroded beam supporting the roof of the SP substation. With regard to the latter, since they still have not received the architect's drawings for the SP substation requested by RM in a letter sent after our last meeting, they may need fresh drawings.

c) **Clarification re. cleaning and lift damage** (RM 3a action point last minutes):

RM reported that:

- **Cleaning of external walls:** TEF are not putting the matter of cleaning of the external walls as a priority at present, since this would divert funds from other more urgent issues. However, if owners vote to make this a priority, they can incorporate that into next year's budget.
- **Lift damage:** TEF are unable to have sufficient evidence from CCTV to be certain who has caused the damage that has to be repaired. Owners need to be reminded that excessive load in lifts when moving house needs to be avoided. KW offered to mention it in his next Email to members and on a brief notice on the website. **ACTON: KW**

d) **Water Ingress—Wider issues (LG):** Noting that water ingress has cropped up in several areas above and below ground in recent years. LG suggested that TEF be asked what provision is/needs to be made to monitor risk arising from existing and new sources on building structures. **ACTION:** *To be brought to the attention of TEF at a subsequent meeting.*

e) **Water ingress issues:** KW reported that the rope access company had been working to remedy places around windows where defective sealant had caused water ingress, including his own property. He reported that the rope access contractor told him that the cause of water ingress in all properties was basically the same, namely inadequate sealing of a gap above the windows, not a defect in the sealant around the window itself. KW then raised two more questions:

- Will owners with an outstanding NHBC claim be willing to wait for an uncertain outcome to their claim or would they prefer to forfeit the claim and ask TEF to go ahead and arrange rope access to deal with these (as one owner with a claim already has.)
- Who is liable for the cost? In their latest communication with Jakub Swidzinski, NHBC said that they were not liable for the cost of dealing with water ingress in properties they had inspected so far since, in each case, the cause of the water ingress was the sealant around the window frame itself, the maintenance of which is the owner's responsibility. However, given what the rope access contractor demonstrated to KW today, the water ingress is not caused by faulty sealant around the window, but in the cladding above the window. In that case, KW argued, the cost should be a communal matter. And it could also be argued that the communal NHBC claim that was settled with a lump sum offered was for specific issues identified and did not include water ingress into individual properties. RM suggested we ask TEF to see if we can make this a separate NHBC communal claim *(or are we too late for that?)*

**ACTION:** *TB to raise the question with NHBC with regard to existing claims and to ask owners with an outstanding NHBC claim relating to water ingress how they would like to proceed, pursue their claim or forfeit their claim. KW & TB to ask JS about the matter in the last bullet point.*

#### 4. **TENOA matters: Planning for AGM / Garden Party**

The committee agreed that the date of our AGM of members would be Saturday 21<sup>st</sup> August, and that this would be followed by a Garden Fest for all residents. They agreed the text of a letter that the Chairman had written and that would be sent out by the secretary on Friday 9<sup>th</sup> July, together with the nomination form for Chairman, Secretary and committee members.

#### 5. **AOCB**

*(No other competent business was raised)*

#### 6. **Date of next meeting:** August 4<sup>th</sup> 2021. 7pm