

# Open letter to CREM from the Residents' Association of Canary Riverside

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Dear Canary Riverside Estate Management

We are writing to you in response to your letter dated 21<sup>st</sup> April 2016 (sic) to lessees concerning the First Tier Tribunal's Decision last August to remove management responsibility for Canary Riverside from you, and place it with a Tribunal-appointed Manager.

- The Tribunal appointed a Manager because of **serious failings in your management** of the estate.
- Your **four appeals** to overturn that appointment were **all dismissed**.
- The only court decision you have shared with lessees is the 18<sup>th</sup> April 2017 decision, overturning Mr Coates' injunction application **on a technicality**, which was that he should have first applied to the Tribunal for a penal order *before* going to the County Court.

**Had you fully complied with the Tribunal's Decision to appoint a Manager and given to him all documents, service charge monies and full access to the Estate, Mr Coates' injunction application would not have been necessary.**

- The Tribunal ruled **you cannot charge** any of your **£320,826** legal fees to lessees – but you are appealing.
- You have now advised lessees to object to Mr Coates' legal fees for his County Court application while not disclosing your latest appeal to try and **force those lessees who were not party to the Application to Appoint a Manager to pay your £320,826 legal bill**.
- You won the right to place the buildings insurance, but it appears that by doing so you have **earned a 50% commission on the premium of £540,000** – something you neglected to mention to lessees.

The purpose of the Tribunal's Order is for the Estate to be properly managed, in a professional and transparent way, and in line with our leases, legislation and best practice.

**If CREM is, as you state in your letter to lessees, "trying all it can to make this situation work" we ask that you answer the following questions:**

1. Why haven't you given lessees copies of the Tribunal's Decisions that detail the serious failings in your past management of the Estate?
2. Why, instead of acknowledging those failings, have you appealed every decision made by the Tribunal in an attempt to overturn the appointment?
3. Why have you retained service charge monies instead of handing them over to the Manager, as directed?
4. Why have you prevented the Manager and his staff from having use of offices, staff rest/work facilities and storage areas that have always previously been available for use in the management of the estate?
5. Why are lessees paying the running costs for these areas as part of their service charges when third parties now occupy them?
6. Why are you compromising residents' security by asking the courts to grant full access to the residential buildings to these third parties?
7. Why have you prevented the Manager from having full access to essential areas in which Estate controls are located, e.g., for chiller operations, lighting and security gates?
8. Why did you delete essential estate management software, paid for by service charge monies, from computers before handing them over to the Manager?
9. Why did you not take action to replace the electricity meters when you knew they were no longer compliant from 1<sup>st</sup> October 2016?
10. Why are you opposing the Manager's proposals to replace the electricity meters, thereby delaying the return to billing based on actual usage?
11. Why have you/Marathon Estates not provided lessees, as is their legal right, with access to the accounts/supporting records to enable them to verify the reasonableness of past expenditures?
12. Where is the 10-year guarantee for the recent £110,000 garden path works, which now require repair?

**The lessees look forward to receiving your reply.**