

Who are we?

Osler Donegan Taylor is a modern and friendly firm of solicitors based in Brighton & Hove specialising in all areas of Property Law. Our enfranchisement team has been successful in assisting flat owners to purchase their freeholds across the South East since 1998. The Partner currently in charge of our Enfranchisement Department is the Solicitor for the Brighton & Hove District Leaseholders Association and is on the LEASE panel of Solicitors. We can therefore draw on a wide range of experience in acting for both lessees and freeholders.

We understand the reasons why you may be thinking about purchasing your freehold and the benefits that you stand to gain from owning it.

Successful
in assisting
flat owners
to purchase their
freeholds
since
1998

Interested in finding out more?

We carry out free drop-in clinics at our offices every Tuesday afternoon between 2pm and 3.30pm. Feel free to drop in and speak to one of the team to find out more about buying your freehold. Alternatively call us on 01273 710712 or send us an e-mail and we will be happy to explain the process in more detail.

Finally, we'll be happy to provide you with a full written quote.

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Osler Donegan Taylor
Solicitors

Thinking
of
buying
your
freehold?

Finding the best solution

Finding the best solution

The Law

Parliament passed the Leasehold Reform Housing and Urban Development Act in 1993. This governs (amongst other things) the law relating to the purchase of your freehold.

Enfranchisement (the process of buying your freehold) is a highly specialised area of law and this is a complicated piece of legislation. Broadly speaking, to qualify to purchase your freehold you must fulfil the following criteria:

- There must be at least two flats in your block
- At least two-thirds of the flats in your block must be let on long leases and at low ground rents
- Of those flat owners with long leases and low ground rents, at least one-half must agree to participate in the purchase of the freehold
- Your block must have no more than 25% of its floor space used for commercial purposes

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What are the benefits of purchasing my freehold?

Many flat owners want to purchase their freehold simply to add value to their flats. Others find that owning their freehold allows them to take control of the management of their building as a whole and gives them the power to dictate how often the building needs maintaining, which builders to use and, most importantly, how much that is all going to cost.

In our experience, the benefits of owning your own freehold as a flat-owner are threefold:

i) Lease extensions

Once flat owners have control of the freehold they are in a position to grant themselves an extension to their lease with only relatively small legal costs.

Having a longer lease can be very significant, because it can be difficult to sell a flat which has less than 80 years to run on the lease. Some mortgage companies can be unwilling to lend on such properties.

The boom in development in the South East in the 1970s and 1980s meant that many long (99-year term) residential leases were granted during that period. Nowadays many buyers looking to buy flats with around 80 years (or less) left to run are often therefore advised to ask their sellers to obtain lease extensions from the freeholder in order to be able to proceed with the sale.

If you do not own the freehold you are still legally entitled, in certain circumstances, to a lease extension (for more details see our leaflet called "Thinking of Extending Your Lease?"). However you will be obliged to pay a large premium to the freeholder, together with the freeholder's legal costs of dealing with the lease extension.

Once the flat owners have control of their freehold they can grant themselves lease extensions for anything up to 999 years without paying any premium and paying only the relatively small legal costs involved in preparing the paperwork.

ii) Control over the building

Buying your freehold immediately eliminates any existing or potential disputes with the current freeholder.

We know from experience that maintenance and ground rent demands from freeholders are increasing year after year. Many flat owners resent having to pay for things that they do not consider necessary.

Owning your freehold gives you control over whether to demand maintenance charges or rent. We find that this alone often results in a considerable saving to flat owners.

iii) Variations of your existing lease

Buying your freehold allows you to control the terms of your lease. Therefore if you want to carry out those alterations that will increase the value of your flat, or if you see potential in the roof space for an extra room, then those flat owners with a share in the freehold can grant you those consents under the lease. The current freeholder would almost certainly charge you for the permission to go ahead!

Who are we?

Osler Donegan Taylor is a modern and friendly firm of solicitors based in Brighton & Hove. We specialise in all areas of Property Law. Our enfranchisement team has been successfully assisting flat owners in extending their leases across the South East since 1998. We can draw on a wide range of experience in acting for lessees and freeholders alike.

We know that extending your lease is a good investment and there are many other reasons why you might make this decision. We will be able to assist in all aspects of helping you get your lease extension swiftly and with as little fuss as possible.

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Interested in finding out more?

We carry out free drop-in clinics at our offices every Tuesday afternoon between 2pm and 3.30pm. Feel free to call in and speak to one of the team to find out more about extending your lease. Alternatively call us on 01273 710712 or send us an e-mail and we will be happy to explain the process in more detail.

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Thinking
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The Law

Parliament passed the Leasehold Reform Housing and Urban Development Act in 1993. This governs (amongst other things) the law relating to your right to extend your lease.

This is a highly specialised area of law and the Act is a very complicated piece of legislation. Broadly speaking, to qualify to extend your lease you must fulfil the following criteria:

- You must have a long residential lease
- You must have owned your flat for at least two years

If this applies to you, then you will be able to oblige your freeholder to grant you a lease extension of 90 years and to reduce your current ground rent to nil!

we have
a wide
experience
in this
area
of the **law**

What if I do not qualify?

If you do not qualify under the Act, then you cannot force your freeholder to grant you a lease extension. This does not always mean that you cannot get one. It is sometimes possible for us to negotiate a lease extension on a less formal basis with your freeholder. Because of our wide experience in this area of law, we are able to offer comprehensive advice on the viability of negotiating a lease extension privately. We work closely with a variety of local valuation surveyors with whom we have long established good working relationships.

Alternatively you may qualify to purchase your freehold. In this case you would usually be able to give yourself a lease extension (as well as a great deal more) without paying any premium to your landlord.

For more details see our leaflet entitled "Thinking of Buying your Freehold?"

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At the same time, we also find that flat- owners often want to extend their leases purely because a longer lease term can be worth more than a shorter one when the time comes to sell and move on.

Apart from helping you to extend your lease under the Act or on a less formal basis, we can also often negotiate other variations to your lease, such as the right to extend into the roof-space, the right to carry out home improvements and other alterations. If you have a willing freeholder, almost anything can be achieved!

What are the benefits of extending my lease?

The boom in development in the South East in the 1970s and 1980s meant that many residential properties were granted 99-year leases during that period.

We find that it can sometimes be difficult to sell a flat where the lease has less than 80 years to run. Many buyers interested in buying such flats are often advised to ask the sellers to obtain lease extensions from their freeholder before they will go ahead with the purchase.