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Introduction:

As the Managing Agents of this development we thought it might be helpful to provide you with information in relation to what it means to live in a property in a privately managed development.

By explaining a number of items we hope to help you better understand the functions of a private residential development under management and ultimately to get the most from your property.

This is important information for you to be aware of and request that you read the following carefully.

If you have any queries regarding the information pertained in this document please do not hesitate to contact your Property Team who will be more than happy to answer any queries you may have.

Your Property Team is:

Title	Name	Contact Email
Property Manager		
Property Administrator		

Frequently Asked Questions:

What is a Management Company?

A management company is a company established to own and look after the common areas of a development. Management companies are responsible for the maintenance of communal areas and shared services within multi-unit developments, such as apartment blocks or housing estates.

Who is the Management Company?

The management company consists of all owners of properties in the development.

Who controls the Management Company?

It is initially likely to be controlled by the builder or developer who set it up in the first place, often before any units have been sold. They usually nominate the first directors and members of the company. Generally, the developer or some of their staff, associates or solicitor may fill these roles. Then each buyer becomes a member of the management company (on completion of their purchase transaction and receipt of certificate of membership).

The memorandum and articles of association will set out the rules and procedures about the appointment of directors to the company and will also set out what rights individual members will have in relation to how the company is run.

In general, after the developer sells and transfers ownership of the common areas, the developer's nominees as directors will generally resign from their roles as directors. The management company should advise unit owners of this step at least eight weeks in advance.

How do I become a director of the management company?

To become a Director of a management company you must put your name forward at an Annual General Meeting. Your nomination must then be voted by other members of the management company.

What are my responsibilities as an Owner's Management Company Director?

It is the role of the Directors to act in a voluntary capacity in the best interests of all the members of the management company. These responsibilities include ensuring compliance with all statutory & regulatory obligations on the management company.

What is a residents' management committee and how does it differ to the board of directors? Usually, at the start of an estate/development an ad-hoc owners' committee is formed to liaise with the management agent and/or developer on estate management issues. Although the owners' committee has no legal standing the committee members often volunteer as Directors when the developers eventually handover the estate to the members.

What's the difference between a management company and a managing agent?

The management company is legally obliged to oversee maintenance work and the management of common area services in multi-unit developments.

Many developers and management companies employ professional firms known as managing agents to provide maintenance and other services.

The managing agent and the management company are two very different entities. The managing agent works under the instructions of the management company.

Generally the developer will appoint a managing agent at the outset of a development, often before the first unit is sold. The developer should:

- Inform buyers that a managing agent has been appointed
- Outline the services to be provided
- Explain the managing agent's procedures for dealing with requests/complaints from owners

Why does the management company require a managing agent?

As the Board of Directors act in a voluntary capacity it often makes practical sense to delegate day to day management functions to an agent. The agent should also have expertise in the area of statutory and regulatory requirements for the management company.

What are service charges? How are they calculated?

Service charges are the annual fees that property owners pay for services provided by their housing or apartment development's management company.

These pay for the upkeep of common areas, such as repairs and running costs (e.g. electricity, lifts) for these areas, and may cover other services such as refuse collection or landscaping. Most management companies use an "apportionment" method to decide the individual service charge.

This method factors in the size and type of unit in calculating what percentage of the overall service charge bill is owed by each home owner.

Am I legally obliged to pay service charges?

Service charges are not an optional payment if they are part of the terms and conditions of your contract to buy the unit.

Once you conclude the contract, you have an ongoing legal obligation to pay these charges, usually on an annual basis. So make sure your solicitor explains these obligations. Not paying may leave you open to legal action, and any outstanding debts can be tied to your property.

How can I pay my service charge fee?

Service charges can be paid in several ways. We accept card payment both online and over the phone. We accept the following card types: Major Credit Cards, Debit Cards (Laser etc). We also accept payment by Direct Debit, Cheque or Bank Transfer.

How long is the service charge payable for?

As long as you own the property, you pay an annual service charge. Once the property is sold, the new owner is responsible for the payment of the service charge.

Will the service charge fee be the same amount every year?

Not necessarily, it will depend on how much work needs to be carried out and the budget agreed by members at the AGM.

What happens if I don't pay my service charge fee?

When you bought your property you signed a document which entered you into a legal agreement with the Management Company, to be bound by the rules of the Management Company. The Management Company can charge interest on overdue accounts as per the terms of the head lease. If the situation continues, the Management Company will pass the outstanding service charge to a solicitor, who specializes in debt collection.

The Solicitor will obtain a judgment in court on behalf of the Management Company. This judgment will be recorded against the property.

What is a sinking fund?

This is a building investment fund for capital expenditure. A proportion of the annual Service Charge is put aside for the replacement of major common area items i.e. roof, lift replacement, carpets, tarmac, painting and new plants or trees.

What repairs and maintenance is the management company responsible for?

The management company is responsible to repairs to the common areas only. The management company is not responsible for any repairs and maintenance works inside your apartment/house.

What does the insurance paid through the management company cover?

The management company insurance policy (known as the "Block Policy") usually covers, inter alia, the external structure of an apartment block, the common areas, damage caused by burst water pipe, subsidence, vandalism, storm damage.

What happens if I have an insurance claim?

If you want to make a claim under the block policy firstly you must contact the management agent. The agent will forward your claim to the brokers who will appoint a loss adjuster. It is the loss adjuster who decides whether you have a valid claim or not. Depending on the claim type please note that there will be an excess on the policy payable by the claimant.

What are house rules?

The House Rules are a set of regulations for living in a multi-unit development that all residents must adhere to. The rules are laid out in the Head Lease signed by all members on close of sale.

What is the Multi Unit Development Bill?

The Multi-Unit Development Bill has been enacted to improve the regulation of multi-unit developments and the governance of management companies in such developments. This came into effect on the 1st April 2011 and a copy of same is available upon request from our office.

How will this affect me as a member of an owners management company?

The Bill is designed to give greater transparency & control to homeowners in multi-unit developments. It aims to tackle many of the issues that have arisen in the area of service charges, handover of estates and general meetings.

What is the Property Services Regulatory Bill?

The Property Services Regulatory Bill aims to regulate property professionals involved in the area of selling, management and letting of property. The Bill will set out a new licensing system, standards of education and procedures for investigation of malpractice.

Emergency Contact Information:

Living in a multi unit dwelling, you should be aware that there can be incidents such as leaks, fire etc. which may result in damage to a neighbouring unit. Consequently, it is imperative that you provide Smith Property Management with all your contact details so that you may be contacted should urgent access to your unit be required.

You should always arrange for a third party to hold a key to your property in the event that you are away on holidays/business etc.

If we do not already have your contact details, please complete the enclosed contact form and return it to our office.

All information is held in the *strictest confidence* and will not be passed on to any third party without prior approval.

It is important that you pass this information to us. Please do not wait for an incident to happen.

It is imperative that we also hold up to date tenant details so please be sure to notify the office when any change in this regard takes place.

EMERGENCY CONTACT FORM



Unit Number of property:

Full Address of Property:

STRICTLY PRIVATE AND CONFIDENTIAL

We follow strict security procedures to ensure that your personal information is not disclosed to a third party without your permission. All the information we collect or record is restricted to our office and is solely used to be able to provide you with up-to-date information.

Owners Details:

Owners Name:

Correspondence Address (if different from above):

Unit Number:

Owner's Home Number:

Owner's Work Number:

Owner's E-Mail:

Keyholders Name:

Other Contacts:

Tenants Details:

Tenants Name (Term and Lease Date if relevant):

Tenant's Work Phone Number:

Tenant's Home Phone Number:

Tenant's E-Mail Address:

Please send to:
Smith Property Management, Block 36-41, Dunboyne Business Park, Dunboyne, Co. Meath

After Hours Emergency Service:

We operate an emergency service and if this service is available to your development the emergency number will be detailed in your introduction letter. Calls made out-of-hours are dealt with under highest priority based on the seriousness nature of the emergency.

An emergency is defined as:

- A fire
- A leak or water damage from one apartment to another or from a common area.
- Blocked mains drains constituting a health hazard to occupants or the general public.
- A break-in
- Vehicular gate failure (*where applicable*)
- Entrapment in a lift
- Damage to common area security door
- An injury or accident occurring within the communal area.

Should you have a specific problem within your own house/apartment, e.g. plumbing, electrical etc. you should contact a suitable contractor. The cost of repairs and call-outs in such cases must be paid directly by you.

Mundane problems and difficulties, other than emergencies, should always be notified during normal office hours.

Contacting the emergency number for a non-emergency issue will result in the individual calling being charged directly.

Important Contacts in your local area:

Contact	Detail	Contact Numbers
Local Garda Station		
Local Authority		
Litter Warden		

A Guide to House Rules and Compliance:

The purpose of the house rules is to ensure that the common areas are maintained to a good standard and that the scope for conflicts and disputes between neighbours is reduced.

The efficient and effective management of house rules requires the voluntary compliance of every owner. In the event of poor cooperation, Smith Property Management will work with the Board of Directors and make every effort to resolve matters.

The covenants are relatively standard and generally restrict the residents in certain matters such as noise emissions, the keeping of pets, carrying out building alterations and or displaying clothing on balconies.

The lease also empowers the Directors of the Management Company to introduce new rules/conditions where they are deemed to overall protect the interests of all Members.

SAMPLE

House Rules for Your Development:

- The playing of any musical instrument, television, radio, loud speaker or other noise at any time so as to cause annoyance to any residents, or so as to be audible outside the premises between the hours of 10pm and 9am is not permitted.
- No animal, bird or domestic pet is allowed to be kept in the scheme.
- Items of clothing or any other articles must not be hung outside the apartment/house or be hung inside so as to be visible from the outside.
- The use of clotheslines is not permitted.
- The erection of External Wireless, Television aerial or satellite dishes is **NOT PERMITTED**.
- Every effort should be made to keep the Common Areas and Grounds clean and tidy.
- Residents must not place domestic refuse in any location other than in the refuse bins provided. All refuse sacks must be tied securely. Only household refuse is permitted in the bins. **NON-DOMESTIC REFUSE**, such as Boxes, Packaging, Wood, Carpets, old appliances or any items not considered day-to-day domestic refuse, must be disposed of by the Owner/Tenants themselves, and not in the Refuse Sheds or Bins provided.
- Residents shall not keep or permit any writing, names drawing, signboard, plate or placard of any kind in any window or on the exterior of any part of the apartment so as to be visible from the outside.
- For Sale or Letting Signs are not allowed on any part of the perimeter wall.
- The parking of caravans, trailers, boats and large vehicles within the scheme is not permitted.
- Parking in the main thoroughfare area is not allowed.
- The Washing of cars in the car park is strictly forbidden.
- Bicycles are strictly not allowed in the apartment building. Bicycles should be stored in the bicycle shed.
- Bicycles should not be locked to railings, lamp posts, trees, or balconies. The management company will remove any bicycles, without notice.
- No obstruction e.g. baggage or equipment of any kind shall be placed in the Apartment common areas, halls, stairs or landings, car park or gardens, or other common grounds.
- **ALARMS:** In the event of activation, an alarm must not sound either externally or internally for a period in excess of Twenty Minutes.

Insurance:

The Management Company must ensure that common area structures and the common areas of the Estate are insured.

This cover is arranged under a Block Policy Insurance Policy, which provides indemnification against all types of loss (*subject to necessary and advised policy excesses.*) The common areas are also insured under a Public Liability Policy against loss in respect of any potential injury to a member of the public.

Generally apartments and duplex unit structures are covered under the Block Policy. The cost of insurance is included in the Budget as part of the annual service charge and you should ensure that you have not duplicated your insurance.

It is your personal responsibility to obtain insurance cover against loss/damage to the contents of your unit. We would remind you that all valuables need to be individually declared or noted on your policy.

Investors should note that the Block Policy covers the common areas only against loss to a third party. This means that although invitees, guests etc. are covered against loss or damage, you yourself are not.

We strongly recommend, therefore, if you intend to rent out your property, that you discuss your insurance requirements with a reputable Insurance Broker, particularly in regard to private property owners' liability cover for the tenancy period.

What to do in the event of an insurance loss?

If you need to process a claim through your Insurance Policy because of a leak, break-in, fire etc. you should proceed as follows.

- Minimise the risk of further potential damage as soon as possible - turn off water, lift carpets etc.
- You should immediately notify the Gardai if a crime is involved.
- Contact and notify your Insurers or Brokers, who will send a claim form to you.
- Establish the extent of damage and the expected cost of repair.
- Do not carry out any repairs until the extent of the damage has been determined as your Insurer may wish to appoint a loss adjuster who may need to see the full extent of the damage prior to repair.
- Only proceed with the repair if you have been advised by the Insurers to do so and forward the completed claim form together with estimates/invoices to your broker.

Please note the following.

- When the repair works are carried out, you must wait for the insurance cheque to be processed before being reimbursed the associated costs.
- There may be an 'Excess' on the Insurance Policy which means that the first amount of the loss ('Excess') must be borne by you. This should be clearly established prior to processing the claim.

Fire Alarms:

The fire alarm system in your development is maintained under a service contract in accordance with Fire Safety Legislation:

Procedures on hearing the fire alarm sound

- Ensure that all cooking equipment is switched off and left in a safe condition.
- Leave the building through the nearest exit ensuring that all doors are closed behind you.
- Do not use the lift
- Do not delay—do not attempt to gather personal belongings etc.
- Move to the safest assembly point and wait for the fire brigade to arrive.
- Do not reenter the building until directed to do so by the fire brigade.

Procedures on discovering a fire

- Sound the alarm by breaking the break glass unit in the lobby/corridor.
- Alert the fire brigade by dialing 999 and report your name, address and unit number and/or your individual block number if necessary
- You should deal with the fire only if it is safe to do so. Otherwise, leave the building ensuring that all doors are closed as you leave. Move to the assembly point and wait for the fire brigade to arrive.

Do not re-enter the building until directed to do so by the fire brigade.

Fire Equipment

Each unit owner is responsible for ensuring the provision of fire prevention equipment within his/her unit. We recommend the following:

- Store a fire blanket. The kitchen is usually the best location due to greater than normal risk of fire. This is an effective method of dealing with kitchen fires caused by burning cooking oil etc. A fire blanket can also be placed around a person whose clothing has caught fire. It should be wall mounted on a bracket near the cooking area for easy access.
- Fit an all purpose fire extinguisher in a suitable location
- Do not overload sockets with plugs
- Never 'patch up' electrical appliances
- Do not smoke in bed

Parking:

When you purchase a unit in a Private Development you may or may not be able to purchase a car parking space, it may be a case that subject to planning stipulations parking is common and no parking spaces are allotted.

We request that you park in a considerate manner if you reside in a development where parking spaces are not specifically allocated.

Your Management Company can (if required) introduce procedures to minimise unauthorised parking within the development area such as anti-parking stickers and/or clamping, which can deter unapproved parking in and around the private development.

Security:

To improve the security within your development we suggest the following guidelines are followed:

- Ensure that all windows and doors are locked before leaving your property. Burglars are always attracted to open balcony doors and windows.
- We recommend that you fit window locks on all windows and a mortice lock to your external door.
- You should also fit a door viewer in your door to allow 180 degree visibility into an area directly outside your front door.
- Immediately report all suspicious activity to your local Garda Station.

Proper Ventilation:

Good ventilation helps to create a healthier environment for you and your family. It works by removing polluted and moisture-rich air found in the home, and replaces it with fresh air taken from outside.

Effective ventilation is vital not only because it helps to protect your home's fixtures, fittings and internal structure, it also safeguards the health, comfort and long-term well-being of its occupants.

Ventilation also helps to minimise or even eliminate the effects of dust mites for those who suffer with asthma and other respiratory problems.

Common Problems

- Moisture in the air can lead to condensation and mould growth. House dust mites flourish in damp conditions, which can lead to asthma and other health issues.
- Everyday odours from cooking, domestic pets, our bodies, toilets, Environmental Tobacco Smoke (ETS), circulate around the home.
- Modern homes are designed to be airtight, creating an almost complete seal, which leads to the internal air being stale, unpleasant and polluted.

What is condensation?

Condensation is dampness occurring when air laden with water vapour cools on contact with a cold surface, you notice it when you see your breath on cold days or in the bathroom on mirrors or tile surfaces.

Condensation is frequently found near or on windows, cold wall surfaces and in or behind cupboards or wardrobes. Also it often forms on north facing walls.

How to minimise condensation

- Cover boiling pans and turn kettles off after use and use extractor fan.
- In particular, ventilate kitchens and bathrooms when you are using them.
- Prevent the damp air spreading by keeping kitchen and bathroom doors closed when the room is in use.
- Open curtains for at least 4 or 5 hours each day, it allows moisture to get through any window vents.
- Don't block air vents
- Avoid drying clothes on radiators
- Heat your home at low levels for a long time rather than high levels for short periods; this will ensure that fewer cold surfaces form in the home. Heat the home even when there is no one there. Keep background heating on all the time during the winter months.
- If mould starts to grow on walls, clean them with bleach or disinfectant

Leakages:

Water leaking or escaping from appliances or fixed installations is one of the main causes of damage in apartment buildings. During routine inspections we suggest you check for the following:

- The washing machine/dishwasher connections and discharge pipes are sealed and watertight.
- The expansion pipes are clear and there is no overflowing.
- The balcony drains are clear and free from obstruction.
- The bath, shower seals and grout are watertight and in good repair.
- The airlocks in radiators – this could indicate a leak in the heating system.
- That electrical installation is inspected by a RECI or ECCSA registered contractor at intervals not exceeding 10 years.

Conclusion:

Thank you for taking the time to read this booklet, we appreciate that there is a lot to take in.

The information supplied in this document is intended as an informal and helpful general information guide to residents of property within a Private Estate.

We have tried to make it as easy as possible to understand by using simple language and avoiding the use of technical or legal language where possible.

This guide is not intended to be comprehensive and we cannot be responsible for any errors or omissions.