



## **Breach Policy Frequently Asked Questions**

### **What are covenants?**

Covenants are the legal agreements made between residents and Bournville Stewardship Services when the property transfer, lease or tenancy agreement was signed. Covenants require residents to perform certain actions, for example, to apply for consent to make alterations to their property, maintain the appearance of their property and to put bins away after collection.

### **Why do we enforce covenants?**

Most of the residents appreciate and abide by the covenants, but unfortunately some residents persistently breach the covenants. Whilst some of the breaches may seem relatively minor, for example leaving a bin out or installing a for sale sign, when several properties breach, this can really add up and have a real impact on the character of the Village.

The Trust wants to ensure that the Village remains a desirable place to live and the enforcement of covenants is one of the ways in which we can achieve this.

### **What can the Trust do to enforce a covenant?**

The Trust will always contact the resident to attempt to resolve the issue amicably in the first instance. If this is not successful then the Trust can place the resident in Breach of Covenant and take steps to get the breach removed.

Depending on the nature of the Breach, for Freeholders and Leaseholders, we may inform any mortgage company that has a loan secured against the property or prevent a property from being sold before a breach is removed.

The Trust's ultimate remedy is to take legal action and apply to the courts to obtain an injunction requiring the breach to be removed or in the case of BVT Tenants, obtain an injunction or apply for possession of the property (i.e. end the tenancy).

### **Why the new policy and charges?**

For minor breaches (e.g. for sale signs, bins being left out, garden maintenance) it can be very time consuming to get the breach resolved and it may not be the most reasonable use of the Community Charge funds to take legal action that can be very expensive.





In addition to this, some breaches can take a considerable amount of time to resolve or will be resolved but reoccur after a short while and we would like to prevent this as it has a significant impact on neighbouring residents and the Village as a whole.

By introducing a charge to recover the costs, there is a deterrent for breaching the covenant in the first place and also an incentive to get it resolved at the earliest opportunity.

Recovering some of the costs incurred in rectifying breaches is much fairer on those residents who abide by the covenants as fewer costs are charged to the Community Charge.

### **Who decided on the new policy?**

A policy was discussed and approved by the Lawley Village Management Committee (LVMC), which consists of BVT Trustees and Lawley residents who were elected to represent the views of the residents of the Village.

The impact of this policy would be assessed by the Committee over 12 months to see if it has had a positive effect on the number of breaches.

### **Isn't this just a way of making money?**

No, residents who are in breach will be given several opportunities to resolve the breach before any of the charges begin, they will be contacted by the Trust on numerous occasions and the charges will be implemented as a last resort.

There is a clear intention that the fees are designed to act as a deterrent and it is hoped that no money will be collected.

### **Where will the money that is collected go?**

Any administration charges collected would be ring fenced and added to the Community Fund, which funds additional environmental or community projects within the Village.

### **When will the new policy start?**

The breach policy will begin on the 1<sup>st</sup> February.

