

## Background

**Examples of current sites that are awaiting enforced sale. These sites have been anonymised for publication.**

Wards affected by these examples include, in alphabetical order, Aspley, Bestwood, Bulwell, Bulwell Forest, Dales and Hyson Green and Arboretum. Future action may affect any/all wards in the City.

### **Residential property**

This property has been empty since mid-2009. The owner also owns four other empty properties in the City that we are aware of. There are also Council Tax debts on the property of just under £3000 (as of 25/11/19); this debt should be recoverable from the proceeds of the sale.

There have been several arson attacks at the property, mainly to the rear garden including one fire in the shed which required the removal of burnt asbestos cement roofing from the site – this led to the service of the notice under the Environmental Protection Act. The last attack was in late November 2019. The property has not been maintained at all and several notices have had to be served in relation to the unkempt condition of the property resulting in works being carried out in the owner's default and subsequent charges.

Type of Debt Works in default of – Act and Section	Date of service of notice
Prevention of Damage by Pests Act 1949 s4	2010
Town and Country Planning Act 1990 s215	2016
Environmental Protection Act 1990 s80	2017
Town and Country Planning Act 1990 s215	2018
<b>Total balance outstanding:</b>	£4397.33 to 25/11/19

Case law states that these charges are priority charges and, as such, we have the first call on the sale funds before the mortgage.

Notice was served under Section 103 of the Law of Property Act 1925 in April 2019, this expired in July 2019.

### **Derelict site**

This was a motor vehicle repair garage which burnt down some considerable time ago and is now derelict. In 2016, after several complaints about fly tipping and repeated rat infestations, a notice was served under the Prevention of Damage by Pests Act 1949 s4 requiring that the

land was cleared and effective baiting carried out. The owner/his representative failed to carry out the works which resulted in works being carried out by the Council.

The owner/his representative has been contacted and is aware of our action.

Type of Debt Works in default of – Act and Section	Date of service of notice
Prevention of Damage by Pests Act 1949 s4	2016
<b>Total balance outstanding:</b>	£15264.03 to 25/11/19

There is no mortgage or other registered charge against this property so the debt is secure. Property Services have already indicated that they would be in a position to be able to market this for well above £15k so our debts and costs would be fully covered.

The property is once again being fly tipped and this is building up again but no further rat complaints have been received.

### **Residential property**

This is a private residential property of very good design and location that has been empty for over 10 years. Over the years there have been a series of complaints from people in the neighbourhood due to the poor appearance and the deteriorating repair of the property.

The works undertaken by the Council have been to repair the porch and gates and remove overgrowth (s215); repair the gutters and rainwater pipes as they were causing a nuisance to neighbours (s59) and to remove the severely leaning wall next to the pavement which was in imminent risk of collapse (s78). These works were all undertaken because the owner did not respond to the notices and did not carry out the works in the time specified.

We have tried to contact the owner many times but after some initial responses we have not heard back from them for some years. After writing three times detailing the debts owed a notice under s103 of the Law of Property Act was served in June 2019 this expired after three months so the Council can proceed to sell the property as mortgagee in possession.

Case law states that these charges are priority charges and, as such, we have the first call on the sale funds before the mortgage company. There is also over £13K of outstanding Council Tax debt (to late19), which should be recoverable on the sale of the property.

Type of Debt Works in default of – Act and Section	Date of service of notice
Town and Country Planning Act s215	2013
Building Act 1984 s59	2015
Building Act 1984 s78	2018
<b>Total balance outstanding:</b>	£5266.22 to 25/11/19

### Residential property

This is a private residential property which has been empty since 2009. It's a three storey Victorian mid-terrace property. It was bought fraudulently under an assumed name, the applicant was prosecuted for this. The mortgage company, although aware of this situation, are taking no steps to recover the property.

The rear of the property became overgrown and the trees growing in the back yard damaged the rear wall to the point where it became imminently dangerous. Notices were served but the owner didn't respond. The Council carried out works to take down the wall. Subsequently some wooden fencing became dangerous and further notices were served. These were, again, not actioned by the owner and the Council carried out the works required.

After writing three times detailing the debts owed a notice under s103 of the Law of Property Act was served in September 2019, this has expired and, as the debts have not been paid off, the Council can proceed to sell the property as mortgagee in possession.

Council Tax have debts of over £14K (as of late 19) and some, possibly all, of this may be recoverable on sale of the property. Council Tax debts will have to be paid after the debts detailed below which are priority debts.

Type of Debt Works in default of – Act and Section	Date of service of notice
Town and Country Planning Act 1990 s215	2018
Building Act 1984 s78	2018
Nottinghamshire County Council Act 1985 s5	2018
<b>Total balance outstanding:</b>	£1909.23 to 25/11/19

## Residential property

This is a private residential property which has been empty since 2012. It's a 3 bedroom ex-council house in a popular location. It has been broken into and flooded due to metal thefts from the heating system and has not been maintained at all. There have been a number of complaints from residents in the neighbourhood. During 2015 the property was in a very poor state and had been extensively boarded up, was overgrown and had broken gutters. The Council served notices requiring works to be carried out and, when they were not, the works were done in the default of the owner and charged to them. In 2018 a further notice was served as the property had again become overgrown and badly littered. Works were again carried out by the Council resulting in another charge.

Several letters have been written to the owner demanding that they pay the debts but there has been no response. There is £7986.63 in Council Tax outstanding (to late 2019), this should also be recoverable when the property is sold. Following non-payment of the debts notice was served under the Law of Property Act 1925 s103, after 3 months this expired without any payment or contact from the owner. The Council may now proceed to take the required steps to sell the property as mortgagee in possession.

Type of Debt Works in default of – Act and Section	Date of service of notice
Town and Country Planning Act 1990 s215	2015
Town and Country Planning Act 1990 s215	2018
<b>Total balance outstanding:</b>	£9178.47 to 25/11/19

## Derelict site

This area of land was badly fly tipped and reached the stage where it was blocking the alleyway to the rear of the site. There were several very old corrugated garages on the site and the site was badly overgrown. The rear of the site in particular had clearly not been in use for many years. After informal approaches to the owner resulted in no action, and no contact back, notice was served requiring works to be carried out to clear the site of all refuse. The notice was not complied with and the Council carried out the works in the default of the owner. The sale of the site may give the adjacent owner the opportunity to develop the site and will allow the Council to recover its expenses.

Several letters were sent to the owner requesting repayment of the debt. No payment was made so notice was served under s103 of the Law of Property Act 1925 in November 2019, this expired after three months and, as the debts have not been paid off, the Council can proceed to sell the property as mortgagee in possession.

Type of Debt Works in default of – Act and Section	Date of service of notice
Environmental Protection Act 1990 s80	2017
<b>Total balance outstanding:</b>	£6545.63 to 25/11/19

### **Derelict site**

This site was badly fly tipped when it was reported to us in 2009. It was affecting neighbouring businesses and was an eyesore. The site was empty and not registered with the Land Registry, we were unable to locate an owner.

Works were carried out and the site cleared. Information has been posted on the land regarding the debt and in February 2020 notice was served under s103 of the Law of Property Act 1925 giving 3 months warning that the Council were intending to enforce the sale of the site.

The adjacent property owner is interested in buying the site if it comes up for sale. The sale may not cover all of the total debt but should enable the Council to recover a significant proportion.

Type of Debt Works in default of – Act and Section	Date of service of notice
Town & Country Planning At 1990 s215	2009
<b>Total balance outstanding:</b>	£32228.73 to 11/5/20