

# It could be the time for compulsory purchase

Developers are undertaking a very large modernisation project in our area, which is starting to look fresh and clean. But all the council properties in our street are being modernised, and they've decided to turn them back to front, so that the back gardens become the front and vice-versa. We bought our property seven years ago, so we'll end up wrong way round, with our kitchen door becoming our new front door. When we objected the developers just threatened us with compulsory purchase.

Although it would be an upheaval to move home, you should probably not dismiss compulsory purchase out of hand if it's still available. You would be entitled to the independently-assessed market value of your home plus a minimum home loss payment of £4,700 (or ten per cent of the house value, if that's higher) and also realistic expenses for solicitors' fees, moving costs and carpets and curtains. You



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may even be able to negotiate with the developers to swap your house for a refurbished property (right way round!) in your street. It's certainly worth discussing your options with them.

## Saw point

**Q** I had a good timber business back in the 70's on council-owned land. Although I had the money in

the bank they refused to sell it to me and gave me just a week's notice to leave the premises. I had heavy machinery and a yard full of timber to move, and since I was unable to find new premises I had to go out of business. Was this legal?

**A** On the face of it you were entitled to six month's notice and would have had an opportunity to apply to the court for a new tenancy pursuant to Part 2 of the Landlord and Tenant Act 1954. It seems unlikely that a local authority would act in contravention of the law, which leaves us to speculate on the reason why they were able to give you such short notice. Was your tenancy contracted-out of the Landlord & Tenant Act 1954?

Perhaps you had already exhausted all possible grounds for resistance to the council's requirement for possession. Guessing is pointless now because, even if the local authority acted unlawfully, it is far too late to claim damages.

## Mind the gap

**Q** We live in an end terrace next to a housing association property. Two years ago next door had a new roof put on while we were away on holiday, and left a gap where the tiles join, all the way up the roof. The housing association say the water marks on our bedroom ceiling are from condensation, and offered to supply us with a tin of paint! We have had three people look at the problem and they all say the same thing. What can I do to stop the housing association fobbing us off?

**A** You need a written report from the builders or surveyors who have looked at the problem, and at least two written estimates detailing the cost of the necessary repairs. Send copies of these together with a letter to the housing association suggesting that if the problem isn't resolved within a fortnight you will have the work carried out

yourself and you will then sue them to recover the cost. A solicitor's letter would carry more weight.

## Clearing the decks

**Q** When my wife died her share of our property went to our children. I am now considering giving them the other half in order to simplify things. Is this a good idea? I am also thinking of putting my finances into trust for them: am I right in thinking that once this is done I will not be able to touch the money? Of course I have made a will leaving everything to them anyway.

**A** You should really discuss your finances in detail with a solicitor. What you're suggesting will not help to avoid inheritance tax because if you give away an asset and carry on enjoying it, the asset given away will still be taxed on your death as if you owned it at the date of your death. The proposed gift won't

necessarily save on care home fees either, if that's worrying you.

Generally speaking it's not a good idea to give others, even your children, control of your money and property.

If they were to fall out with you or die or get divorced you could lose both.

Setting up a trust could well deny you access to your capital and could add complication rather than simplification!

## Still married in name

**Q** Can I force my ex-wife to stop using my surname? She now lives with another man.

**A** No. Your wife can use whatever name she chooses. However you should contact the council to update the electoral register and have her name removed from your address so that she cannot obtain credit by suggesting she still lives with you.