

Freehold issues

Q My neighbours and I have paid ground rent of £15 per annum for 40 years. Now we've received letters telling us that a new firm has bought the freeholds to our properties, asking us to pay overdue rent and suggesting we will have to insure through them in future. They are also offering us the freehold for £800. We feel quite intimidated by this. What is our legal position?

A If you're worried, you should get together and see a solicitor for advice. You are not required to pay your ground rent these days unless it has been demanded in a specified format. Neither are you obliged to take out insurance with your landlord, but the means of opting out of this particular requirement of your lease is unfortunately rather complicated. If you have £800 to hand, it may be worth acquiring your freeholds though; while it represents 53

years' worth of ground rent, it's likely to enhance the value of your properties. And you won't receive any more letters.

Under cover

Q We changed our mortgage last year and took out an insurance policy designed to meet the mortgage payment and our bills if my wife had to stop work. A few months ago she was injured at work, but the insurers paid out less than half what was agreed, and after weeks of correspondence refunded some of our premiums. Can they do this?

A There have been many complaints about this type of insurance cover. It's important to read the small print to ensure you have the right policy for your situation. You should go back to whoever sold you the policy, or to the insurance company itself, for an explanation. Some insurers

for example have recently refunded premiums to policyholders who will be over 65 by the time their cover is due to end; but of course many people may never realise their insurance is void unless they make a claim. If you don't receive a satisfactory reply, contact the Financial Ombudsman Service on 0300 123 9123 or 0800 023 4567. If your wife was injured as a result of her employer's negligence, she should see a solicitor.

Wall street crash

Q Our daughter's car was parked across the road from our house when, during strong winds overnight, the garden walls of the two houses opposite collapsed on to it. I've been in touch with the owners' insurance companies, but they say they won't pay for the damage unless my daughter can prove negligence. I don't think this can be right.



A Your claim is against the owners of the walls. If a wall collapses, it is presumed it was defective and not well maintained. The owners and their insurers would have to show the strong winds were exceptional, and they will not be able to do this. Bring your claim against the owners in the County Court: you'll almost certainly succeed.

Taxman's grip

Q I had to give up work three years ago. The Inland Revenue said I

owed them £5,000 and took me to court, getting a charge registered on my house at the Land Registry. They now agree I owe less, but say it would be too much trouble to have the Land Registry documents changed. Should I insist that this is put right?

A It's likely that the register will simply show that there is a charging order on your property and that the charge certificate is held by the Inland Revenue. It's unlikely to state the amount owed. The Inland Revenue would have to go back to court to amend their charging order. As long as you keep your correspondence with the Inland Revenue there shouldn't be a problem, but you should consider trying to pay off the debt, especially if there are provisions for interest to be added.

Unpaid rent

Q Last December we obtained a court order to evict dishonest tenants, and bailiffs finally removed them from our property at the end of January. Is there any way we can recover our

losses, which amount to some £3,000 in unpaid rent and legal fees? The tenants have now disappeared owing electricity and council tax bills, and I fear they will repeat this behaviour with other landlords.

A You will probably have used the short-form procedure to evict your tenants. If you also wished to recover rent arrears, you would have needed a different County Court procedure, which would have taken longer and allowed your tenants to run up even greater debts. You would have to be able to locate your tenants in order to pursue them for the money they owe you, and although this is feasible, the likelihood of them having any money with which to pay you when you do find them is remote.

I'm afraid that you will probably have to put this down to experience. If you insist on references and follow them up religiously when vetting new tenants it should be possible to weed out potential problems. It's also important to take action at the first sign of trouble.