

Policy:

Every leaseholder and resident is obliged to keep alert for signs of leaks throughout the building.

They have particular obligation regarding their own demised premises and other property to ensure leaks are addressed promptly and damage is minimized, and to minimize the risk of such leaks occurring.

Whenever and wherever a leak is identified, the Building Manager (during working hours) or Managing Agent (at other times) should be notified promptly.

- If the leak occurs within the demised premises, from a source that only serves that premises, and the damage is confined to that premises, it is the responsibility of the leaseholder to stop the leak promptly and have repairs undertaken. This is for their cost or insurance.
- If the leak arises from common parts and pipes, or the effect spreads between demised premises, or from or into common parts:
 - All affected parties are obliged to stop the leak and minimize damage promptly;
 - The Building Manager will co-ordinate the work to trace and fix the leak and repair damage, with all other affected parties obliged to facilitate this work promptly;
 - the costs of trace and access and making good damage are borne by the communal buildings insurance;
 - the cost of repairing the leak are borne by the leaseholder if the leak occurs within the demised premise, from a source that only serves that premise, or by CWMCL if the source is common parts; and
 - CWMCL will bear the excess unless the leak arises or is initially identifiable within a demised premise and the action or inaction of the relevant leaseholder, their tenants, visitors, contractors or other such parties is considered by the Managing Agent to have caused or worsened the leak or damage. In such cases the leaseholder may be asked to bear the cost of the premium, and – in exceptional circumstances – more of the costs.
- The Managing Agent will decide whether an insurance claim is made on the communal policy.

Principles:

- CWMCL controls the communal insurance policy terms and premium, and in such cases it is typical for the company to bear costs relating to any insurance event.
- The vast majority of leaseholders and residents over time have proven diligent and responsible on such matters, and it is considered reasonable to spread the communal cost of insurance across the Chinnocks community whilst such diligence remains the norm.

Clarifications:

1. Soil pipes and rainwater drainpipes are considered common parts, even when they pass through a demised premise.

2. Pipes that solely serve an individual premise are considered communal responsibility where they pass through common parts, such as from the wet risers to the boundary of the demise, and the responsibility of the leaseholder from the point they cross that boundary.
3. A leaseholder or their associated parties are less likely to be considered responsible for causing or allowing to worsen any leak if:
 - a. Their property is not left unattended for more than one week under typical circumstances and never for more than 30 consecutive days since this is a condition of the communal insurance policy;
 - b. They permit plumbing checks to be undertaken when requested by CWMCL, or can provide evidence of such checks having been undertaken by a suitably qualified person within the past year, and they act reasonably to rectify any issues arising;
 - c. They only use suitably qualified tradespeople to undertake plumbing-related works within their demise;
 - d. Any redecorations of bathrooms and kitchens has included provision for easy access for plumbing check or leak inspections, such as access hatches.
 - e. They permit entry promptly by CWMCL to facilitate leak enquiries when they have reasonable cause, regardless of whether their demise appears to be the cause of, or affected by, a leak. This is because leaks can arise in sources that are not easily obvious to see, or from common parts only accessible via a demised premise, or can pass through such places undetected before affecting another area;
 - f. They act promptly to stop and rectify any leaks arising in their demise.