

Maskells x Forsters LLP

Jamie Hope head of Sales at Maskells, sat down with Charles Miéville, Partner in the Residential property team at Forsters LLP, to discuss advice to sellers thinking about coming to the market in 2024.



Charles Miéville
Partner, Residential Property Team at Forsters LLP

Jamie Hope: *We always advise our clients to instruct their solicitor before we bring a property to the market, to prepare and sometimes “stress test” the paperwork. Is this something you advise doing and what are the issues it can avoid?*

Charles Miéville: Absolutely – often this flushes out things that will need resolving, such as missing share certificates, consents for works or guarantees. It allows us to pre-empt likely buyer enquiries and to already have a solution in

place so that no time is lost once a buyer is found. To clients who think this adds to costs for them, these issues will arise in any event during the course of the negotiations with a buyer. Being forewarned is being forearmed!

JH: *If you were thinking of selling your own house, or leasehold flat in 2024, what would you be doing now from a legal perspective, to prepare the property for market?*

CM: I would ensure that I had to hand all active guarantees for items such as windows or roofs, damp proofing or other treatments and structural elements. I would ensure that I had any building regulation certificates to hand for replacement boilers or other gas appliances, and electrical installation certificates for new or additional wiring. For replacement

windows and doors, I would check that there is a FENSA certificate or alternatively have the builder confirm that these are covered by any building regulation completion certificate for wider works to a property.

If I had a leasehold flat, I would ensure that I had all landlord consents for any works to the

property. I would also check that appropriate planning (and listed consent if appropriate) had been obtained. I would caution the client against contacting any third parties where information is missing – it may be that indemnity insurance is a better solution, and contacting third parties can then mean insurance is not obtainable so always best to discuss with your lawyer where there are any gaps in documentation to decide the best approach. Leasehold flats also have the Building Safety Act 2022 to contend with. It is important in some situations to contact the

relevant landlord as soon as you have a buyer to request a landlord's certificate as you may have to wait up to 4 weeks for a reply which could delay exchange. As soon as a buyer is found, order the management pack which again can take some time. Some sellers are happy to pay for a pack before a buyer is found, and then simply refresh the relevant items in the pack once a sale is progressing, this will depend on the responsiveness of the management company in question and the cost of ordering and refreshing a pack.

JH: How important is it that buyers or seller instruct a specialist PCL solicitor with expert local knowledge?

CM: Very important. PCL is full of quirks, be it consideration of estate management schemes, leasehold property, building safety act considerations, right of light matters. We also have good relationships with the local agents, which will always help to give comfort to the other parties in the transaction, as well as meaning

that we are all working together to complete the transaction as quickly as possible. Given we work closely in the PCL market, we are also aware of relevant considerations for development and addresses that we may work on regularly, in the way that firms that are not local would not necessarily be able to.

JH: Can you give examples where your firm, as PCL specialists has been able to overcome challenging obstacles during the conveyance process.

CM: We recently handled the sale of a PCL freehold. The solicitor acting for the buyer did not understand the position in relation to a flying freehold – we were able to explain that this was not a concern for the buyer given there

were reciprocal deeds of covenant by each party, projected by restrictions. We have also had to advise management companies of their obligations to tenants where we are buying and they have struggled with regulatory

requirements – often this goes beyond what we can expedite the transaction it is worth doing – it has also resulted in several sellers

instructing us on future transactions when they realise how we have assisted in making the deal happen.

JH: You deal with a lot of top agents in central London. To anyone looking to sell a property, what advice would you give them in terms of which agents to use?

CM: Local knowledge is key. I would also say working with smaller agents can often have huge benefits in terms of a more

personal client service and client care, which is always the case from our multiple transactions working with Maskells.



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