

7 May 2021

Dear Leaseholder,

East Village Plot N15 – Cavesson House & Saddlers House

Following our recent Town Hall meeting, we thought you would appreciate a further update on the details discussed at the meeting, as well as clarification of some of the issues raised.

WHAT THE ENGINEERS FOUND

After assessing the N15 plot fully, the fire engineer highlighted two predominant issues within the structure of the external walls:

- There are some gaps in the fire barriers in the inner cavity of the external wall
- Timber decking on the balconies requires review

The fire engineer specified there is no need for an immediate change in the evacuation policy for the building. This indicates that the faults found are not of immediate concern and are considered low risk.

The engineer's report makes it clear that the timber decking is not a critical concern for fire safety because it sits on material that is non-combustible. That said, we need to ensure that residents do not store combustible materials on the balcony or use barbeques or flame heaters on the balconies. We also need to consider the fire engineers advice to either remove the timber decking or to install further mitigating measures, such as smoke alarms, to further reduce any risk.

Similarly, the engineer has proposed repairing the external wall defects and looking at an alternative solution, such as smoke alarms, that will mitigate the risk from the defective fire barriers in the external wall.

It is the view of the fire engineer that both Cavesson House and Saddlers House could be issued with an EWS1 form with a B1 if these mitigating measures are adopted. The process for this involves the fire engineers detailing the technical requirements. These need to be assessed and approved by independent Fire Risk Assessors and the London Fire Brigade (LFB).

We do not yet know the cost of these measures and will let you have more information when we have it. EVML have stated the process to completion will take approximately five months. They have already begun their discussions with the fire engineers and fire risk assessors. As soon as we hear about the outcome of the assessment by the LFB we'll let you know.

REMEDYING THE DEFECTS

The mitigating solutions offered by the fire engineers focus on your safety and meeting the requirements of the MHCLG's guidance and the Fire Safety Order. The installation of additional smoke detection equipment does not address the underlying issues. We are working with EVML and both technical and legal advisors to understand the impact of this in full. We need to seek assurance regarding the areas of non-compliance with building regulations. Until we have reached a conclusion about this, we are unable to rule out the need for further remedial work. Full remediation will be a longer and more expensive process, it is likely to be disruptive but will address the defects found. We will keep you fully informed during this decision-making process and are keen to hear your views.

COSTS AND THE BUILDING SAFETY FUND (BSF)

EVML has registered the blocks for the MHCLG's Building Safety Fund; additional information from the fire and façade engineers has been sent to the MHCLG for them to assess the eligibility. We have no reason to believe the buildings will not be eligible, but are not able to guarantee this given the number of applications being made across the UK, and the limited funding available.

We have not yet made a detailed application for funding and are waiting for more news from the MHCLG regarding eligibility and the process for applications to the funding announced in February 2021.

The BSF only covers the cost of repairs to the external wall system. The installation of smoke detectors or any work on the balconies are not covered by the fund. The cost of these works would need to be funded through other sources. This could include recharging through the service charge. When we have a costed plan from EVML, we will let you know the potential cost to residents.

We are actively exploring a legal claim against the original builder. EVML's solicitors are progressing this. A formal claim has not yet been made because we do not yet know the full cost of remediation. We will keep residents updated when progress is made, and we have a clearer idea of how this can move forward.

Both EVML and Triathlon have warranties against the contractors, and we can call on those. However, we would expect they will be challenged. If this is the case, then we will need to make a decision about litigation.

At the meeting residents asked, 'how this could happen?' You are correct to have expected adequate quality control through the construction and appropriated diligence when the buildings were signed off by the local authority's building control. These questions are being investigated by EVML and they are crucial to any legal claim. EVML have requested additional information about the construction from Lendlease.

During the call, some residents raised the possibility of using the reserve, or "sinking" fund, as a way of offsetting costs to residents. At East Village, the sinking fund is used for two main purposes, the long-term maintenance and repair of the blocks (lift renewal etc.) and shorter term projects such as the decoration programme. The fund is held by EVML on your behalf and audited annually. Some residents would like to draw on these funds for the fire safety work.

However, on an East Village wide level, using the sinking funds for the fire safety works would leave the fund unable to meet the future obligations to repair the blocks.

PRIORITISING WORK

We are aware some residents have been waiting a long time for an EWS1 form and the process to date has been lengthy. We have confidence that EVML is resourcing the building safety project appropriately.

Some residents have asked for more detail regarding the time it has taken to assess the blocks in your plot; EVML did find it difficult to find the appropriate professionals with the right experience to undertake this piece of work. While some inspections at East Village were undertaken at the end of 2019 and early into 2020, the progress was slow. In response, EVML engaged additional façade and fire engineers to deliver the programme. Getting the new engineers on board took some time, it was not until June last year that we had more certainty and confidence in the programme. There is a significant, national, demand for fire and façade engineers and it took some time to secure good teams of engineers.

The inspections were prioritised based upon a combination of technical (including safety) requirements and resident need. In some cases, buildings needed to be re-inspected because of significant safety concerns. This had an impact on the programme. The most efficient way to deliver the inspection programme was on a plot-by-plot basis. An additional team was used to bring forward the leaseholder programme, so we were able to have engineers working on two plots at the same time. The last plots to be completed were N15, N01 and N07. In each of these plots there were specific technical challenges about getting access behind the concrete panels which slowed the process down.

Regardless of the practical reasons for the delay, we're aware how difficult this has been for leaseholders, particularly those waiting for an EWS1 form; and both EVML and Triathlon Homes are sorry for the delays and the on-going uncertainty.

NEXT STEPS

EVML has received proposals for the next stage of work to assess and implement the mitigating measures. They are discussing the next steps with the engineers and their fire risk assessors. We don't yet have a full programme, or breakdown of costs, but will give you this information once we have it. As stated above, we expect this work to take about five months. We'll let you know when we get the green light for this approach from the LFB and the fire risk assessors.

We hope this summary makes things clearer. We will contact you again when we have more information about the next steps, until then, please contact BuildingSafety@triathlonhomes.com if you have any questions or comment you'd like us to consider about the work to your block.

If you were unable to attend the session last week, or would like to revisit some of the topics covered, we have a recording of the session available. Please let us know if you would like a copy.

Best wishes,

Triathlon Homes