

Building Safety Update

This note provides an update about the processes currently underway at East Village to ensure the buildings are compliant with the latest regulations and standards set by the Government and other authorities.

1. What does the Building Safety Programme comprise of?

EVML are currently progressing the following:

- Inspections of the external wall systems by cladding and fire safety engineers.
- Ensuring remedial works will take place where necessary. The completed reports will be reviewed by fire engineers who will advise on remedial solutions and complete EWS1 forms (required by mortgage lenders). EVML have recently engaged a new firm of engineers to undertake this work. They have specific experience of delivering EWS1 forms and proposing effective remedial works.
- There is a small amount of Aluminium Composite Material (ACM) in Plots N02 and N07 (Calla House, Coville Mansions, Fortuna House, Karner House, Kotata House, Manna House, Mara House, Maya Apartments, Merle Mansions, Nero House and Tayberry House). We are progressing with plans to remove it. This is expected to commence this year. It is a ten-week programme of work. Prior to the outbreak of the Covid-19 pandemic we were forecasting the works to start in October. It is likely there will be some delay.
- Getting the information required to finalise the reports on the four blocks inspected at East Village (**Festive Mansions, Festuca House, Lucia Heights and Titian Heights**). This involves getting more detailed information from the cladding engineer as well as getting hold of the original building documentation. We may need to undertake further testing of materials. We need to establish any breach of building regulations and potentially build a robust case for a legal claim.
- A review of the use of timber on balconies and timber façade/decorative rainscreens including proposals for replacement. EVML have identified specialists to do this piece of work.

A project team meets weekly to progress these issues. It comprises EVML, Get Living, Triathlon Homes, the supervising project manager/building surveyor for the ACM remediation, EVMLs technical advisors from Savills, and Triathlon's legal advisor. Technical specialists attend as required.

We would like to reassure you that we are doing all we can to resolve these issues as quickly as we can and want to ensure good outcomes for all residents.

2. Is my home safe?

Your safety is our priority. Our focus has been on the following:

Liaison with the fire brigade: EVML have discussed the findings of the inspections, and the ACM cladding, with the fire brigade. The fire brigade has advised that no changes to the current fire strategy or procedures are required.

On site procedures: East Village has a range of fire safety measures and procedures in place, these include; 24 hour monitored fire alarms, a 24/7 on-site team trained to respond in the event of a fire, sprinklers in areas where they are required, wet and dry risers, automatic smoke vents and regular inspections, risk assessments and audits by staff and qualified professionals to ensure systems are well maintained and procedures remain suitable and sufficient.

The buildings: From what has been seen thus far, there are fire cavity barriers in the solid cladding. The form of construction does still provide safety to the occupants. Most of the cladding is concrete and substantial; it is robust, this is materially different to other blocks covered in substances which have now been banned by the government.

The risk assessment of the blocks with ACM, which has now been banned, considered the small amount of ACM not a material risk to the safety of residents.

3. The Inspection Programme. What has happened so far?

EVML are undertaking inspections of the cladding and external wall systems at East Village. The inspections are specifically looking at structural fire safety measures. Inspections took place in December 2019 and January 2020 at **Festuca House, Lucia Heights, Titian Heights** and **Festive Mansions**. The inspection programme will be rolled out across East Village.

EVML received a draft report for **Festuca House** and have had discussions with the specialist cladding engineer about the other blocks that have been inspected. In each case the engineer raised some concerns about the make up of the external wall systems that require further investigation.

As a result, we have taken a precautionary approach and are considering the likelihood that the buildings do not meet the current required standards and that remedial works may be required. We are waiting for further information before we have definitive reports.

The finalised reports will be used to complete EWS1 forms that may be required for mortgage purposes. More information is needed to be able to complete these forms. At present we believe it is unlikely we will be able to certify that the building meets the required standards until remedial work is carried out. It is likely to be difficult to get a mortgage until this is resolved.

4. Update on completing the reports for Lucia Heights, Titian Heights and Festive Mansions

The engineers are unable to complete the reports until the original construction drawings and associated documentation is inspected by the specialist cladding and fire engineers.

Unfortunately, EVML does not have copies of all the documentation. They have requested information from the developer and from LB Newham's Building Control. Despite numerous requests, the information is not forthcoming. EVML are taking advice from their solicitors to progress the matter.

The information is important to understand the decisions made about fire risk during the construction and to scrutinise these. We need a better technical understanding of the issues and may need to prepare for possible litigation if we find the Building Regulations at the time of construction were not met.

EVML have appointed a health and safety specialist to manage the process to ensure we receive completed reports.

EVML's technical advisors are also working with the engineers to gain a better understanding of the issues.

5. Update on Festuca House

The draft report we have for **Festuca House** has more detail and EVML wrote to residents in early March to detail the findings. The findings in the draft report will not enable a compliant EWS1 form without remedial work to the building.

EVML are working with a specialist fire engineer to study the report and recommend solutions. In particular, they are looking at the timber cladding and the areas where there are inadequate cavity barriers. We are still at the early stages of this process and will keep you updated.

The engineers have good experience of ensuring remedial works meet requirements and can issue EWS1 forms for mortgage purposes.

6. When will my block be inspected?

It remains a priority to ensure the inspection programme is undertaken at pace and gives us good quality information.

EVML's technical advisors have secured an additional firm of façade specialists to work on this and they are securing other additional resources to deliver the programme. Our partners at East Village have agreed that the 25 Triathlon Homes blocks with leaseholders should be prioritised (subject to other H&S risks being identified). We are waiting for confirmation of the programme. There was a meeting on site with the engineers and contractors gaining access this week.

The following buildings have been prepared for inspection: **Karner House, Meander House, Kotata House, Tayberry House, Tucana Heights, Vesta House, Saddlers House and Samphire Heights**. Information is being passed to the engineers so they can complete the relevant reports.

We will have a new timeline for inspections shortly and keep you updated about our progress on this.

The plots or quadrants at East Village were designed and built by different architects and contractors. Therefore, it's not possible to advise if issues identified so far might also apply to blocks not yet inspected. However, we believe it is right to be cautious.

7. Can we have an EWS1 form for Kaleidoscope House?

Kaleidoscope House was inspected last summer. The regulations have changed since then and we will need to do a further inspection of the building before we can issue an EWS1 form. This block is in our programme for inspection.

8. Update on ACM removal at Karner House, Kotata House and Tayberry House

EVML have appointed a strong technical team to advise on the removal and replacement of the ACM facades in plots NO2 and NO7.

The replacement panels will be constructed of solid aluminium and will visually match the existing panels. Solid aluminium is a non-combustible material. It is heavier than the ACM material being removed and therefore a new, heavier duty supporting framework will need to be installed. The work is likely to include the removal and replacement of the insulation and other materials that will be disturbed in the process. All materials used will be in accordance with current Building Regulations and Government Fire Safety guidelines.

Further exploratory inspections on site are required to inform the design work for the new facades. Some of the inspections have been delayed because of the social distancing restrictions in place. This has delayed the production of the tender documentation and is likely to delay the programme. Work is continuing where it is possible to do so safely.

We will continue to update the residents of these blocks as the programme progresses.

EVML have made an application for Government grant from the ACM Remediation Fund. The fund is intended to cover leaseholders' costs in relation to the ACM removal and replacement. We have received notification that plots, NO2 and NO7 are both eligible for funding.

Leaseholders will not be able to receive funding without completing a State Aid Declaration form. If you have not done this, please contact info@triathlonhomes.com urgently.

9. What building defects are known?

The inspections are designed to review the combustibility of façade and insulation materials including the concrete/stone-based facades as well as the installation of cavity barriers.

Cavity barriers are designed to prevent fire spread and they are placed within the external wall. They are situated behind the external facades. We should find them around windows and external door openings as well as vertically (within the external wall) between floors and horizontally between flats.

There are cavity barriers in the blocks inspected. The engineers have looked at between 12 and 14 different points across the four elevations of each block inspected. The engineer has reported some damage to cavity barriers caused by water ingress and in some places has found the absence of cavity barriers around windows.

Across East Village we are also investigating the use of timber, both on the balconies and where it is used as a form of cladding or for decorative trims.

When we receive more detailed information from the engineers, we will write to the residents of those blocks with the outcome of the reports.

10. Is our insurance still valid?

EVML have advised our insurers and they are satisfied that we are taking appropriate action to determine if the buildings meet the required standard, or if works may be required in the future.

The insurers have been advised of the fire safety measures we have in place and have visited East Village. They are satisfied that adequate steps have been taken in the interim and the building insurance policy remains in place under the same terms with no effect to the policy premium or cover.

11. Do the buildings meet Building Regulations?

We are working with EVML and their technical advisors to review whether the 2010 Building Regulations were met on the buildings inspected. The additional information we are waiting for about the original construction of the building will inform this piece of work.

We are considering the possibility that Building Regulations were not met and will respond appropriately if this is the case. This will include commissioning technical reports detailing any building defects for possible litigation.

12. Can you say more about the extent of remedial works required?

At this stage it is difficult to provide more information about the remedial work. EVML and their technical advisors are looking at different technical approaches to any issues with the external wall systems.

See also the comments above in relation to the blocks with ACM.

13. Who will pay for the remedial work?

If we find poor workmanship or a breach of Building Regulations, we will seek to secure remedial work or costs from the original contractors. Triathlon Homes has warranties in place to do this and are seeking the appropriate legal advice. Any claim would aim to cover the costs of remediation and other reasonable costs.

14. Can we access government funding?

EVML are applying for Government grant from the ACM Remediation Fund. The fund is intended to cover leaseholders' costs in relation to the ACM removal and replacement. We have received notification that plots, NO2 and NO7 are both eligible for funding.

We have spoken with a Cabinet Office representative about the new fund announced in this year's budget, the Building Safety Fund. His view was clear in stating that any breach of the 2010 Building Regulations should be picked up by the original developers.

The prospectus for the new fund has not yet been published. It is specifically designed for the removal of combustible cladding and one of the aims is to protect leaseholders from the costs. It is possible that some of the timber cladding may be eligible for the

fund. A condition of the funding will be to pursue costs from developers and return the government funding if the claim is successful.

15. What is the likely timescale to resolve this?

We will have a better idea of a high-level timescale soon. At the moment we have only inspected a small number of blocks and do not want to make assumptions about blocks we haven't inspected. We know the uncertainty is frustrating and we are trying to get all the information so we can give leaseholders a better idea of what to expect.

EVML and their technical advisors have been working to secure the additional specialist resources we need at East Village to progress the different aspects of the building safety programme.

16. What is the impact if I need to move/sell or re-mortgage?

At present, we are unable to provide you with a report that will satisfy you/your purchasers bank or building society. Unfortunately, there is likely to be a long delay until we can provide the type of information your mortgage provider is requesting. We understand this is frustrating and appreciate this is likely to be difficult for some people.

Some residents have been able to re-mortgage with their existing provider without the need to provide an EWS1 form.

Before deciding on your course of action, we recommend you seek professional advice. While we are unable to advise you on what is best for you, we do want to be clear that, at this time, we are not able to provide an estimate of how long it will take to obtain the appropriate professional documentation.

We will update you as we get more information.

17. Can I sublet my home?

Shared-owners are not able to sublet their homes under the terms of their lease. Triathlon Homes can agree to subletting in extenuating circumstances subject to approval from the Greater London Authority (GLA). We have written to the GLA to ask for permission in certain circumstances and are awaiting to hear from them.

As the homes are publicly funded, one of the conditions of subletting is to charge a rent that covers reasonable costs and not to make profits.

18. Can Triathlon buy back my property?

The Board have discussed buying back shares in your home or buying you out and we have taken some legal advice. Our legal advisors have clarified the position and have stated that the terms of the lease and our agreements with funders, including our lenders and the GLA, do not allow this.

19. Where can I get further advice or help?

We understand this news is concerning. Everyone involved in the management of East Village is committed to putting your safety and well-being first. Please get in touch if you have any questions. At this stage we won't have all the answers, but we will do all we can to get back to you as soon as possible.

The following organisations may also be able to help:

LEASE, the Leasehold Advisory Service have been given some additional government funding to help advise leaseholders on fire safety issues. Their website is here: <https://www.lease-advice.org/>

If you are concerned about your ability to pay your mortgage or rent/service charge, the following independent advice agencies may be able to help:

StepChange Debt Charity: Call 0800 652 7069 or www.stepchange.org.uk

National Debtline: Call 0808 808 4000 or www.nationaldebtline.co.uk

If you are concerned that your ability to re-mortgage, staircase or sell your home might be affected by these changes, please seek advice directly from your lender or mortgage broker.

We're sorry there are still unanswered questions. We are doing all we can to get the issues resolved and to protect the interests of residents. If you have any further questions, please contact info@triathlonhomes.com