

13 January 2021

## **Q&A: INSPECTION OF EXTERNAL WALL SYSTEM AT FESTIVE MANSIONS**

### **Reports and Inspections**

#### **1. When is the final report likely to be provided?**

We are expecting the full report and the initial EWS1 form to be with us shortly. However, it is important to recognise that this initial form will likely not satisfy lenders, and we will need to complete the remedial work in order to obtain a form that will.

We are not intending to share the report with residents at the moment, in case it becomes a legal document. We will be open and transparent about any findings that impact your safety.

#### **2. Who is paying for the inspections and reports? If there is any possibility of these costs being passed to leaseholders please confirm: -**

- a. How much have the reports and inspections on Festive Mansions cost to date?**
- b. What is the likely overall cost of the inspections that have been carried out so far and the reports produced following those inspections?**

The inspections are undertaken and commissioned by EVML. We are expecting them to confirm the expenditure shortly.

The estimated expenditure for each block at East Village was £30,000. This is broken down into four main costs: fire engineers assessment and report; façade engineers assessment, inspection and report; project management and quality assurance; and the costs of the contractors arranging access and the equipment required. When we have more information, we'll share it.

EVML has employed a quantity surveyor to monitor, evaluate and benchmark costs.

The Triathlon Homes board is discussing whether to pass these costs to leaseholders and we'll keep you updated about the outcome of these discussions. An outcome is not expected until early March 2021.

#### **3. The recent update letter refers to further investigations;**

- a. Please explain the nature and purpose of these investigations**

Further investigation is required to evaluate how widespread the issues are. We need to establish whether the barriers are missing generally or only in specific locations.

The engineers have proposed some internal inspection is undertaken to look at any metal stud partitions in the external walls and the quality of cavity barriers around windows. The quality of these may mitigate the extent of remedial work.

**b. When will they be carried out and how long will they take?**

At the moment it is too early to give clear information about the timetable. We are working with EVMML and its technical advisors to ensure the next stages can be undertaken quickly. EVMML has already asked the engineers to schedule further inspection work.

The engineers are currently focusing on buildings where there are significant defects and where we have not yet inspected. We'll keep everyone updated about the timetable.

**c. What is involved and will access to leaseholders' flats be required?**

We are not yet fully aware of the scope of works and will update everyone once known. Some access may be required.

**d. What are the estimated costs that will, or may be passed on to leaseholders in respect of these additional inspections?**

At this stage we are not able to confirm the likely cost of the additional inspections. The specification has not yet been agreed.

Triathlon Homes will be looking to EVMML to ensure any further costs related to identifying the remedial solutions will form part of a claim to the government's Building Safety Fund and are the subject of a legal claim against the developers.

**4. Applegate passed its inspection and that is in the same plot. What is the difference between the two blocks?**

The significant difference between Festive Mansions and Applegate is in the compartmentalisation of apartments (that is the installation of fire barriers around each apartment preventing fire spreading in the external wall). At Applegate House the barriers were well installed at floor and party wall level ensuring any combustible material was encapsulated and limiting the ability of fire to spread. At Festive Mansions vertical fire barriers were not found.

**The Findings**

**5. We note that gaps in fire barriers and missing fire barriers have been found in parts of the building with horizontal cladding: -**

**a. Please provide further details of the issue identified and the scale of the problem**

The slatted aluminum cladding requires further investigation and potentially remedial work to install horizontal fire barriers at the junctions of the aluminum cladding and precast concrete panels. Exposure work undertaken identified defective/missing sections. To comply with Building Regulations would require removal of the insulation or provision of fire barriers.

**b. What proportion of the building has this type of cladding?**

This is very localised at Level 1, it is a small proportion of the building – approximately 5%.

- c. What legislation or guidance has been breached or potentially breached as a result of the missing or defective fire barriers?**

Building Regulations Approved Document B. (The Building Regulations at the time of construction). See Q10 below.

- d. What is the impact of the missing or defective barriers if a fire breaks out?**

The engineers look at both combustibility and fire spread across the external wall. A lack of fire barriers is likely to increase both. It must be stated that there are mitigating factors including some fire barriers and the presence of sprinklers. The external fascia is also non-combustible. This is why the fire engineers have not recommended a change to the evacuation procedure. The building has measures to resist fire-spread.

- e. Are the missing or defective barriers present throughout the walls or, for example, only around doors/windows?**

More inspection will indicate how widespread this is. We know there are gaps at the vertical junctions between apartments. A key factor in the mitigation of this area is to determine the condition of the fire barrier at floor level between the aluminum cladding and the pre-cast concrete above.

**6. We note that the pre-cast cladding was found to have missing vertical barriers :-**

- a. Please provide further details of the issue identified and the scale of the problem**

At Festive Mansions, the engineers found fire barriers installed and well consolidated at junctions with internal compartment floors. They found fire barriers were not provided at junctions with party walls between flats. Further investigation will establish whether this is a problem at specific inspection points or throughout the building.

- b. What proportion of the building has this type of cladding?**

At Festive Mansions the pre-cast concrete makes up approximately 70% of the building's external fascia.

- c. What legislation or guidance has been breached or potentially breached as a result of the missing or defective fire barriers?**

See question 10.

- d. What is the impact of the missing barriers if a fire breaks out?**

The engineers look at both combustibility and fire spread across the external wall. A lack of fire barriers is likely to increase both. It must be stated that there are mitigating factors including some barriers and the presence of sprinklers. The external fascia is also non-combustible. This is why the fire engineers have not recommended a change to the evacuation procedure. The building has measures to resist fire-spread.

- e. **Are the missing barriers present throughout the walls or, for example, only around doors/windows?**

The fire engineers report focuses specifically on absent barriers at the junctions of the apartments or party wall (within the external wall system). The desk-top assessment for the building highlighted these as significant for inspection.

**In relation to remedial works**

- 7. **Why are the remedial works deemed necessary if there are no immediate risks to residents or their property? Is this to comply with building regulations? If so, please identify the specific regulations.**

It is the view of Triathlon Homes and EVMML that if the building cannot be issued with a valid EWS1 form, there are safety issues that need to be addressed.

The Building Regulations enhance the safety of the building and its occupants. The defects found show non-compliance with the Building Regulations and therefore increase the level of risk of fire spreading in the external walls. However, there are several mitigating factors the fire engineers take into consideration in determining the level of risk and safety. It is important to note that fire barriers are installed, the external fascia is non-combustible, and the building is protected by sprinklers. (See also Q10)

- 8. **Please provide further details of what works will be necessary: -**
  - a. **What will the work entail?**
  - b. **What will the impact be on residents whilst this work is carried out?**
  - c. **When is it likely to begin?**
  - d. **How long will it take?**
  - e. **How much will it cost?**

At this stage it is too early to be able to give detailed responses to questions about the remedial work. As the fire engineers investigate further, they may find more mitigating factors. This will determine the extent of the problem and requirements.

- 9. **Please confirm that there is no suggestion that remedial works cannot be carried out and/or would not be economical to carry out i.e. that there is no suggestion of the building being demolished or incapable of having a valid EWS1 issued.**

We are not aware of anything that would suggest that the remedial works cannot be carried out, or that we will be unable to obtain an EWS1 form. While there may be some technical challenges in the installation of cavity barriers behind the concrete panels, there is no question that the defects found would merit the demolition of Festive Mansions.

The EVMML board are keen to ensure all blocks at East Village have a valid EWS1 certificate and meet all required standards of safety.

**In relation to liability**

- 10. **Have any breaches or potential breaches of any regulations been identified? If so, please provide details?**

Triathlon Homes bought the homes after the 2012 London Olympics. The work that is now under scrutiny was completed prior to the Games. All the buildings at the East Village received Building Control Approval from the London Borough of Newham, which would have certified the buildings as safe under the regulations at the time.

The external wall construction was required to comply with Part B of Schedule 1 to the Building Regulations (Part B). The engineers used the 2006 (incorporating the 2007, 2010 amendments) edition of Approved Document B (ADB) as the basis of the assessment of adequacy because it was the relevant ADB at the time of construction and defines the benchmark expectation for compliance with Part B, the Fire Safety Order and MHCLG advice.

For external wall constructions, ADB makes recommendations in respect of measures required to protect junctions with internal compartment floors and party walls between flats, to resist fire spread over the walls of buildings and to resist fire spread between buildings.

The problems found indicate non-compliance with ADB.

**11. What work has been done to assess whether the building was compliant with all relevant building regulations at the time of construction? If there is any doubt in relation to this, what steps have been taken to establish whether the developer, any party involved in the construction or the local authority which approved the building could be liable?**

As stated above the inspections use the relevant building regulation as a benchmark for the standard of the external wall construction.

EVML has approached its solicitor who will contact the developers to raise the concerns about the safety of the buildings and raise the issues of liability. Both EVML and Triathlon Homes have engaged their respective lawyers to prepare any legal case and review the contract and warranty documentation.

**12. If the building is thought to have been compliant at the time of construction, what has changed and when?**

This is not applicable as detailed above.

**The Costs**

**13. What work has been done to assess whether the developer, builder or other party responsible for planning developing, building or approving any aspect of the block is liable for these defects?**

The inspection checks compliance with building regulations.

Some actions have already been set in motion. EVML has already asked their lawyers to prepare letters to the developers and to send them copies of the findings.

The first step to resolution is for EVML to approach the original developers regarding the defects and have discussions with them regarding undertaking remedial work.

**14. What is the position in relation to any warranty?**

Regrettably the NHBC warranty does not offer residents protection for defect found in the external wall system. EVML and Triathlon Homes have a number of warranties against developers and other contractors who built East Village.

**15. Has appropriate legal advice been sought to ensure that deadlines are met, and limitation periods do not expire before claims (including protective claims) are made? Can any advice, or a summary of the advice, be shared in confidence with leaseholders given the Landlords obligations towards leaseholders. If not, why not?**

At this stage we are unable to share information. In part because it is so early in the process, but also due to the sensitive nature of any claims.

It is the position of both EVML and Triathlon Homes to protect the interest of leaseholders by pursuing every route available. Triathlon Homes will not have a formal case for a claim until costs are incurred. We are working with EVML to support their legal actions to resolve this in the meantime.

The lawyers are aware of limitation periods etc.

**16. Have appropriate applications been made under all available Government funding schemes been made?**

EVML has registered Festive Mansions for the Government's Building Safety Fund. This fund is in place to potentially cover the costs of works related to the External Wall System of a building. The additional information received from the fire engineers and the supporting documentation will be submitted to the MHCLG.

We are mindful of the timetable imposed by the fund.

**17. What information can be given in relation to the likely overall costs of carrying out all inspections, reports and remedial works?**

We are doing all we can to protect leaseholders from picking up the costs of repair and remediation. We will exhaust every possible avenue available to us.

We are not yet able to detail the cost of the work and much needs to be done to detail the exact specification. In due course we will be able to share information about actual costs from work on other blocks to give you an indication.

**Other**

**18. What steps if any are being taken to support leaseholders and protect them from the cost of remedial work, for example by lobbying the Government to provide sufficient funding to cover these costs?**

Our Board members have written to Robert Jenrick, the Housing and Communities Minister, to stress our concerns that the funding available is not enough to support all the work that needs to take place. We have met with our local MP and officers at London Borough of Newham to explain the challenges and state the case for leaseholders. We are also working closely with the G15 group of housing associations to take this message to the government.

**19. How many of the blocks within East Village have failed the building safety inspection? How many buildings have not been inspected?**

We have inspected 31 of the 63 blocks at East Village. We have sent information to residents of eight blocks detailing the findings of the engineers' inspections. In each case the fire engineer has not been able to issue a valid EWS1 certificate. There have so far been six EWS1 forms issued where buildings at East Village meet the required standard for the form.

**20. How will future investigations and remedial works be prioritised across East Village?**

Our absolute priority is the safety of residents. Any investigation and remedial work will be completed on the advice of the engineers and Fire Risk Assessors. We will prioritise based on risks identified.

In part, the timetable will also be dependent on successful discussions with the developers and also any timing requirements for the Building Safety Fund.

**21. What is the communication strategy moving forward?**

Triathlon Homes is currently updating residents whenever we obtain new information on each block, and we foresee that this strategy will continue as inspections and remedial work move forward. When we have information for a specific block, we will continue to email and write to residents, as well as ensuring the latest information is available at [triathlonhomes.com](http://triathlonhomes.com). In addition to this, we will be updating residents regularly on progress being made across the East Village.

Due to the number of inspections and the amount of work taking place, we are dealing with a lot of information. In terms of releasing reports, we are not able to release these just yet, as there is a possibility that these may go on to become legal documents. However, we are ensuring that residents and leaseholders are getting every bit of information that we can make publicly available.

**22. Has an assessment been made of the wider impact of this issue? How much EV management time is being spent on this and will that result in an increase to our service charge. Can that be mitigated, for example by adopting a much better communication strategy so that all residents get regular updates and are provided with all relevant information avoiding the need for many residents to separately write chasing and probing emails.**

The EVML board is reviewing the East Village-wide issues of building safety.

We are aware of how much time is being spent on these inspections and remedial work, and also of how much time is being spent on the administrative side of this. We cannot speak for EVML, but Triathlon is certainly in the process of improving the communications that go out to our residents. We are trying to strike a fine balance between giving you everything you need, but not overwhelming you. We are making all questions asked available on our website to prevent duplication.

EVML has put significant additional resources into the building safety projects across East Village. Their focus is on the project management of the ACM removal, the inspection programme, fire risk assessments and the legal preparatory work required. Some of these resources will be funded by the MHCLG and we will be looking to pursue costs via litigation. However, it is possible that some costs will be added to the service charge. EVML is looking at other areas to save costs so that there is not a significant impact on leaseholders.

If you have any further questions, please contact [info@triathlonhomes.com](mailto:info@triathlonhomes.com)