

19 January 2021

UPDATED Q&A: INSPECTION OF EXTERNAL WALL SYSTEMS AT EAST VILLAGE

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 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 by block 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.

Some residents have been told their building needs further investigations. What does this mean?

In some blocks further investigation is required to evaluate how widespread the issues are. We need to establish whether the issues found are widespread or only in specific locations.

In some blocks, the engineers have proposed some internal inspection is undertaken to look at areas in more detail. We'll try and use empty apartments for this but may need access through other apartments. Examples of the things the engineers are looking for are; metal stud partitions in the external walls, fire barriers and the quality of cavity barriers around windows. This will vary from block to block. In some cases, the quality of these may mitigate the extent of any remedial work required.

Further inspections will also be taking place to prepare for remedial work or for inspections by independent witnesses.

When will these be carried out and how long will they take?

The timetable is different for each block and in some cases the additional inspection work has started.

We are working with EVML and their technical advisors to ensure the next stages can be undertaken quickly.

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.

What is involved in additional inspection and will access to leaseholders' flats be required?

We are not yet fully aware of the scope of works and will update residents in relevant blocks when this is known. Some access may be required through apartments and we'll give you more detail if this is the case.

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 EVML 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.

If there are no immediate risks to residents or their property, why is remedial work necessary? Is this to comply with building regulations?

It is the view of Triathlon Homes and EVML 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. While each block is different, many defects found show non-compliance with the Building Regulations and therefore increase the level of risk of fire spreading in the external walls. Please note, there are several mitigating factors the fire engineers take into consideration in determining the level of risk and safety, including the extent of fire barriers installed, whether the external fascia is non-combustible, and whether the building is protected by sprinklers.

What will the remedial work entail? How long will it take? 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. In some blocks, as the fire engineers investigate further, they may find more mitigating factors. This will determine the extent of the problem and requirements.

Depending on the scale and nature of the issues found, we expect work to start up to 9 months after the inspection report is produced. Some of the buildings with quite complex defects make take a further year to remediate.

Please note some of the buildings have quite localised defects in some specific areas of the building (for example aluminium panels) and we would not expect the remediation process to last this long.

Is there a risk 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 there is no question that the defects found would merit the demolition of blocks at East Village.

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

Have any breaches or potential breaches of any regulations been identified?

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.

Broadly, the problems found with inadequate fire barriers indicate non-compliance with ADB.

What work has been done to assess whether the buildings were compliant with all relevant building regulations at the time of construction? What steps have been taken to establish whether the developer, or any party involved in the construction or the local authority which approved the building could be liable?

The engineers use the relevant building regulations (as detailed above) as a benchmark for the standard of the external wall construction. The reports detail areas where they believe there is non-compliance.

Both EVML and Triathlon Homes have engaged their respective lawyers to prepare any legal case and review the contract and warranty documentation.

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 the relevant building regulations.

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. In some cases, we are asking for additional information to show compliance with the Building Regulations.

Some actions have already been set in motion. EVML are having active discussions with a number of parties.

What is the position in relation to any warranty?

Regrettably the NHBC warranty does not offer residents protection for defects found in the external wall system.

EVML and Triathlon Homes have a number of warranties against developers and other contractors who built East Village. These have not expired.

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 interests 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.

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

EVML has registered all eligible buildings across East Village for the Government's Building Safety Fund. This fund is in place to potentially cover the costs of works related to fixing defects in the external wall system to make it more fire safe. 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.

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 costs to give you an indication for your block.

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.

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

On 10 January 2021, EVML has inspected 31 of the 63 blocks at East Village. We have sent information to residents of eight blocks detailing the findings of the engineer's inspections. In each case the fire engineer has not been able to issue a valid EWS1 certificate. There have so far been five EWS1 forms issued where buildings at East Village meet the required standard for the form.

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.

What is the communication strategy moving forward?

Triathlon Homes is currently updating residents whenever we obtain new information about each block, and we'll continue to do this 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. 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. We're putting answers to residents' queries on our website so you have a better resource for information.

Can we see the report?

We are not able to release these just yet, as there is a possibility these may go on to become legal documents. However, we are ensuring that residents are getting the information we can make publicly available.

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.

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

We are aware of the time being spent on inspections and remedial work, and also of how much time is being spent on the administrative side of this. 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 any 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 buildingsafety@triathlonhomes.com