**High and Dry**

Well it’s another week when I have had to rack my brain to think of something to write about but then looking at my workload over the last week there is a common theme – people asking for my help where they have been left high and dry and with no-one to turn to.

At the beginning of the week it was an email from a couple who had bought a property several years ago, in fact just about the same time I bought my property, and they still are not in a position to move in. The old story – the builder has lost interest, seeing no more profit to be made from it. This couple have been trying for years to resolve the issues remotely but have basically found the builder has no interest, they would come here on their so-called holiday and spend their time badgering him in to doing something then the minute they left no more would happen. They asked for my advice so I thought let’s just start at the beginning – I would take a look to see if they were being realistic in their demands. What I found was a sorry sight or should I say sorry site! The first thing I noticed is there are cracks in the structure in places I am unhappy to find them. There are the usual rising damp problems inside the house, the swimming pool has tilted and the surrounding terraces are collapsing. The minor things like the solar panel facing West rendering it useless pales into insignificance. This poor couple have been trying to get this place to a standard where they can move in but have so far failed. I am meeting the builder next week and I hope some time in the future to be able to sing his praises in another article – being the optimist that I am!

I had an email from a person with a similar tale, although sadly he is one of many buying in an unfinished apartment block. His first email to me started by saying “I am up the creek without a paddle. 1. corrupt lawyer; 2.corrupt estate agent; 3.corrupt builder; 4.impotent Property Complaints Office”. To say this person is desperate is an understatement having paid over 90% of his monies with nothing to show for it, with the matter being in stalemate for years. He has asked my opinion as to whether it’s worth his while pursuing this matter through the courts and quite frankly I am not sure what my answer should be. On one hand I know there are a lot of people who have gone down this route, have won their case in the Court, have been awarded a Judgment but it has cost them a lot of money and immense heartache, and at the end of it all they cannot get the Judgment enforced. On the other hand, why should developers here be allowed to get away with what can only be considered daylight robbery? Had this person been buying a villa I might have suggested using the money he would spend on taking the matter to court to have the property completed instead, but as it’s an apartment then it’s a different story. So what can he do? Other than join the growing ranks of disappointed and disillusioned purchasers that we read and hear about here. Sadly this is not one individual there must be others in his situation on the same development.

A former client of mine came over and is sadly disappointed to see that both her property and the development are in poor shape. Whilst the property was under construction I had advised her to hold back a considerable sum to ensure her property would be completed properly, which she did, however her advocate later suggested that her monies and a much smaller amount from her neighbours on the development be put into an account to be managed by them so monies could be paid to the builder as and when works were completed. On arriving here this time my client discovered there is hardly any money left in the ‘corporate pot’ with most of it having been paid over to the builder without she says her authority, and there is little to be seen for the money that has been spent. Sadly she with my advice showed due diligence but her neighbours did not and it looks like the money held back has been squandered. It would seem the developer has solvency problems and is unlikely to meet his commitments. My client will now have to pay out more of her own money to get her own property to a reasonable state but what will happen on the development who knows.

You may recall last year I was banned by a developer from going on any of their sites and a few of my clients have now completed. Now that they own their properties they have asked if I can again act for them to get their properties up to a standard they would have expected. Their pools certainly leak and they all have significant problems like having roof tiling blown away this winter and rising damp creeping up the walls. No surprises though the developer has not responded to my emails when I have asked for a specification of the works they are proposing to fix the pools, the only thing they have done is tell my clients in no uncertain terms that they will not discuss anything or cooperate with me in any way in respect of these properties or their repairs. This says something! From the problems evident after only a few months occupation it really does reflect the quality of construction and the developer’s arrogance probably reflects the quality of repairs they propose undertaking.

With attitudes like this the developers themselves will be left high and dry – if they haven’t already been, but the sad thing is they have obtained significant amounts of money from innocent and perhaps naive purchasers, and there appears to be no route for these purchasers to either resolve their problems or get their money back. Developers are bleating that the Orams’ case will significantly damage the market here when in fact it’s the bad developers here who have shot themselves in the foot and left themselves high and dry.

The actions of the unscrupulous builders and developers here have now of course spoiled it for those honest builders with integrity who do a good job. These are the builders and developers I truly feel sorry for, in fact my first job of today was meeting clients who are over here to see how their villa is progressing and I must say that it is being built in the timescale agreed and constructed to a very good standard, even to the extent that when I drew the builder’s attention to a partition wall not being perfectly aligned it was demolished and reconstructed by my next visit. As always it helps in that they do have an engineer on site with the work being properly supervised, these don’t appear to be builders who are in it for the short term, cutting and running. I hope in the not too distant future when I see the project is satisfactorily completed to be able to write in more detail singing the praises of this developer.