

Let the Apartment Buyer Beware - Buyer's Dream Dashed

Have you seen lovely, enticing apartments advertised for sale in Kingston, Jamaica? Luxurious? Penthouse? Certified by the municipality (KSAC)? Sanctioned by the Real Estate Board? All that means nothing! Thinking of buying one or two? Think again! Beware - there is no legal provision, no government regulatory body for apartment owners in Jamaica. It is a do-as-you-please, charge-what-you-feel-like situation for the operators of these complexes.

Having purchased an apartment last year, with the help of a mortgage, I was in for some rude awakenings. I am sure that many of you will have heard the term that 'Inglan people ah ediat' and 'Inglan people mad' among other descriptions. Well I am not an 'Inglan people' but I have lived in England for twelve years, during which I have worked in education, Information and marketing. I am a community person, because I love my culture and I love my community, so I work in the Jamaican community, paid and unpaid with the young, the old, the good, the bad and the in between.

I knew a lawyer, who worked for a reputable law firm in England who does work for a number of Jamaican companies and when he was returning to Jamaica he told me that if ever I needed legal services in Jamaica I should contact him.

Well, last year I decided to buy a property in Jamaica - looked at a townhouse, which was being built and spoke to the lawyer. He came back and advised me that upon investigation the developer was having financial problems and would be unlikely to be able to complete the buildings soon. However, there was a new apartment in the complex where he lived for sale.

He contacted the seller and I looked at it. It was very nice and in a sought-after central location. The lawyer started the process. After completion (in about four months) the apartment was still unoccupied, all went well, until suddenly I received a water bill for J\$9,786 in one month! When I enquired, I was told that I had a leak. LEAK! Where did that come from? I was in England, yes, but the only person who had a key to the apartment was my father, who was not even in Kingston. Well, the next month the water bill was J\$3,500. Strange, I thought - this leak dangerous. Next month, the bill was J\$2,500. The leak seems to fixing itself; rather than increasing it is decreasing but still I want to know where the leak is coming from and more importantly, where is it going.

After sending an email informing the Strata Management Agent, who I have discovered is the wife of the 'reputable lawyer who introduced the property and handled the purchase, and who is also the Chairman of the Strata Management Committee, and has contracted his parents' company, with whom his wife works, to be the Strata Management Company', to inform her that 'something seems to be afoot with the water bills and it ain't 12 inches', I received an email from the developer's son, who is also a friend of the 'reputable lawyer' saying that my apartment has a massive leak which is affecting the apartment below me.



A room with a not so good view after a dramatic turnabout.

Immediate flight to Jamaica! Immediate visit to the apartment below me - nice lady, no leak! Well then, as I had thought, something is amiss! Well, after two separate plumbers searched high and low, no leak in sight, but the water meter was of interest. When the main pump for the property came on, my meter was the only one that the dial moved, everyone else's stood still. Pump stopped, my dial stood still. Interesting! The water meter was not installed by the National Water Commission because the NWC does not install individual meters in properties of more than three storeys! There is one NWC meter at the property, the developer installed individual meters and the strata management read the meters and apply whatever rate they feel like, as there is no regulatory body

for strata complexes/ management committees in Jamaica! There is a loose Strata Regulations Act which sets out the rules for setting up and running the Strata, but with no regulatory body, one wonders how that is policed. Owners of individual apartments have no rights and when I asked questions such as:

"I would like to request a copy of the strata agreement, as devised by the strata, which has been issued to owners as I have not received one,

"I would like a notice of the unit rate that is used to calculate the water bill for the bills that I have received from you to date, including how the unit rate is arrived at.

"I would also like a copy of the document that outlines the management terms and costs for the person/s/ and/or organisation that has been engaged to manage the strata.

"I would like an outline of information concerning the insurance policy that you have written to me and other owners about.

What does it cover? Who is it with? How are claims made? What happens to those who don't pay? Does everyone have to pay for it to go ahead?"

The response was that "Consequently, as a result of the defamatory, accusatory, disrespectful and down right offensive manner in which you communicate with *****, the committee has instructed ***** to desist from responding to any more emails from you. You are hereby formally notified to communicate directly and only with the executive committee of the complex."

Calls to the Kingston and St Andrew Corporation (KSAC), Ministry of Housing, National Water Commission, National Consumers League, Consumer Affairs Commission, radio show Hotline with Barbara Gloudon yielded nothing helpful and the Real Estate Board's responses were:

- In response to your e-mail, I have to advise that at present there is no government agency that regulates strata management committees but it is proposed that the responsibility will fall under The Real Estate Board. Towards this end The Real Estate (Dealers & Developers) Act as well as the Registration Strata Titles Act are being amended to accommodate the change. As soon as it is made law, the public will be advised and an appropriate notice will be posted on our website'

- 'You have come to the right institution. We will ultimately get the responsibility to supervise strata corporations but the act governing strata corporations is being revised to give us this mandate and to correct shortcomings noted in the Act'.

Well, the long and short of it, is that the 'reputable lawyer and his wife' faced with the evidence, still insisted there was a LEAK! I then brought in a plumber and his assistant to physically cut the pipe, whereupon 'reputable lawyer' called in armed security and kept his hand on his gun on his waist and then complained to the developer that I brought a 'gang to intimidate him and his wife'. Me, peaceful, law-abiding victim of the scam! Now, I can't go to my property without armed security because my lawyer and others have warned me that the fact that they have licensed guns, they will have no qualms about shooting me and then telling lies. I have had to put my dream apartment up for sale.

Then the Minister of National Security says he is going to stamp out crime in the political garrisons. Wise up, Minister Nelson, you are looking in the wrong place. Start in the offices, the apartments, start above Cross Roads and keep moving up and you will be amazed at the results.