

David Flanagan

Independent

Community Candidate for Real Change

Responsible to the community not a party

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Brayton Park Management Company

I support the campaign by Brayton Park residents against the charging of excessive fees by an estate management company. Kildare Co Council made it a condition in their grant of planning permission that a management company be set up for the entire estate. There are duplex and apartment units in Brayton Park but they only make up approximately twenty six percent of the total estate. Estate management companies were intended to be used in apartment complexes to cover the cost of shared facilities such as lift maintenance, upkeep of communal areas and electric gates etc. Brayton Park has no lifts or electric gates. The duplex and apartment units have shared stairwells and hall ways that may need painting from time to time. The rest of the estate is like any other housing estate in Co Kildare.

The charging of excessive management company fees whose directors are the developers of the estate is at the root of the problem for residents. Other local estates collect resident association fees to pay for grass cutting and insurance at a cost far less than Brayton Park home owners. This situation is unfair and unjustified. In a recent Circuit Court case Tyrrelstown residents in Finglas successfully challenged their management company and their agents Smith Property Management regarding the pursuit of past fees on the grounds that the common areas had not been handed over to the management company and the auditors for the management company had not produced a proper certificate showing what the fees were for. Judge Mahon also found that the company, Tyrrelstown No 4 Management Ltd, had not, on the documentation before the court, been the correct plaintiff to sue for the payment of service charges.

Management companies are necessary for apartment type residential developments but not in the case of Brayton Park. Kildare Co Council must take the entire estate in charge as soon as possible and set up a co-operative type management company structure for the apartment and duplex units. The remaining households could use a traditional residents association to look after their needs. This situation can only be brought about by Kildare Co Council taking a lead role in dealing with all legal and procedural issues for the residents. It was the council who insisted on the management company being used in Brayton Park so they must carry the bulk of responsibility in solving this problem. Inappropriate estate management companies can lead to negative community spirit. I promise to work for my community to address the issue of inappropriate estate management companies.

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