



O'Dwyer Property Management Ltd.

Managing Agents

An ODPM Explanatory Guide

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Introduction

The purpose of this guide is to explain, in general terms, the principal role and responsibilities of Managing Agents in private residential estates and to address some of the more frequently asked questions from owners in this regard.

Why is there an appointed Managing Agent in my development?

Management of residential estates is an ongoing and long-term commitment which should not be left to one/two individuals alone, or embarked upon without due regard to the future. The task is largely a practical exercise and demands considerable expertise, time and professional training. Most professional Developers appoint a Managing Agent to carry out the operation of Management. This ensures the proper administration of the estate from the initial time.

Who appoints this Agent?

The agent is appointed by the developer at the outset of the development on behalf of the Management Company so that essential services are in operation as soon as people begin to take up residence in the estate.

How is the Agent selected?

The Agent is appointed following a formal tender process.

Why do we need a Managing Agent?

A private estate cannot run itself and there is a lot to be done if the owners are to receive all the service entitlements set out in their Title;

- The buildings kept in good repair .
- Insurance put in place and renewed on time.
- Bills paid and services maintained.
- Local authority and legal requirements met.
- The owners capital investments in their properties must be maintained.
- Individual rights of enjoyment of the estate ensured.

Can we not manage the estate ourselves?

Professional Managing Agents bring an organised approach to the day-to-day management of the estate, from the planning and collection of the services charges and reserve funds, to the timetable for redecoration, repairs and inspection and supervision of works. An Agents assessment of what needs to be done and when is independent of private interests and preferences and is based upon their duty to all residents to keep the development in good repair.

Who instructs the Managing Agents?

The Agent follows the Board of Directors instructions and direction and a good relationship between the two is essential to ensure the benefits to all are clearly seen.

To Whom do the Agents report?

The Agents report directly to the Board of Directors of the Management Company under whose direction they operate.

What information can I expect from my Agent?

Each financial year, a notice/invite to the Annual General Meeting is sent to all members of the Management Company. Attendance at this meeting ensures that members not only get an opportunity to see how their Management Company operates, but in addition gives the member a chance to meet with the Board of their Management Company and the Managing Agent.

How do the owners have a say in the development?

It is practice once a certain reasonable level of sales have completed, for the agents to seek the appointment of an owners committee with whom they can liaise and direct services to the estate.

If there is a problem in my building, can I contact the Agent?

Yes, and they will provide you with information or guide you or re-direct you to another party if appropriate.

What problems will they address?

The Agent will address problems which fall within the remit of the service agreement between the Agent and the Management Company. These fall under headings:

- Buildings Management
- Financial Management *and*
- Administrative Management of the development.

The most frequent call types include leaks, noise complaints, buildings information, service charge queries, calls to seek replacement light bulbs, intercom repairs and keys and access device queries and requirements.

When do I contact the developer vs. the Agents?

It can be difficult to know who to contact in the event of a problem arising within the buildings and for this reason the agent should be contacted first to advise on courses of action you can take. Generally speaking, any problems regarding internal structural issues or any of the features of the development which the developer installed should be put in writing to the developer and sent to the developers directly and copied to the agent so that they can assist follow up.

What is Homebond?

Homebond, the National House Building Guarantee Scheme, is a scheme established by the Construction Industry Federation and the Irish Home Builders Association, in conjunction with the Department of the Environment. It ensures that proper building standards are maintained and protects purchasers by underwriting any major structural defects.

Subject to the terms of the Homebond Agreement, Homebond guarantees homes in respect of:

1. Major Structural Defects for 10 years
2. Water and Smoke penetration for the first 5 years of the warranty period.
3. Protection against loss of deposit or stage payments before completion.

To confirm if your unit is registered you can contact Homebond directly via email at:

headoffice@homebond.ie or by phone on 1850 306 300.

(Source of Homebond information - www.oasis.ie & Homebond's Homeowners Handbook)

How do I evaluate the Agents work?

Client surveys would suggest that an Agents work should be evaluated on:

- The overall appearance of the development.
- Information – Newsletters & Meetings
- Efficient financial management

How can I be sure my Agent is professionally qualified, reliable & honest?

The Managing Agent appointed to your development should be an expert professional person/body, experienced in the field of the Property Management Industry who has the following:

- Membership of a regulatory body such as the I.A.V.I.
- Experienced trained staff, systems and procedures.
- Professional Indemnity Insurance.
- Qualified & Insured contractors who can provide services to your development.
- Appropriate Health & Safety procedures specific to your development.

Do I pay my service charge to the Agent?

No, your Service Charge is paid to your Management Company and *not* the Managing Agents. All service charge funds are held in the management companies own bank account.

How much of my service charge is paid to the Agent?

Agents fees can vary depending on the size, location and design of the development and the level of services however they average at circa 20% of your service charge paid.

Will I be sent a receipt following payment of my service charges?

Service charges are billed as advance statements of demand and not as invoices. Therefore receipts are not issued following payment. However, similar to a utility bill, payments received are noted on the next statement of account.

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For more information regarding Management Companies see the *Management Companies & Services Charges* booklet available from ODPM offices.

Further Queries?

Should you have any further queries in relation to any aspect of the management of your development please do not hesitate to contact ODPM's **Property Services Team** who are available to address your calls and assist you in any way they can.

You can contact the **ODPM Property Services Team** on 01-6603822, Monday to Friday, 9am to 5.00pm. Please have the following information ready to help them deal with you more efficiently:

- Your development name
- Your name
- Your unit number

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Disclaimer

This document is prepared by ODPM and is intended to answer some of the common queries raised by members of Management Companies in an understandable manner without using a great deal of legal terminology.

The intention is to give general guidance to cover concerns which commonly arise but by no means does ODPM accept any liability whatsoever for errors or omissions.

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