

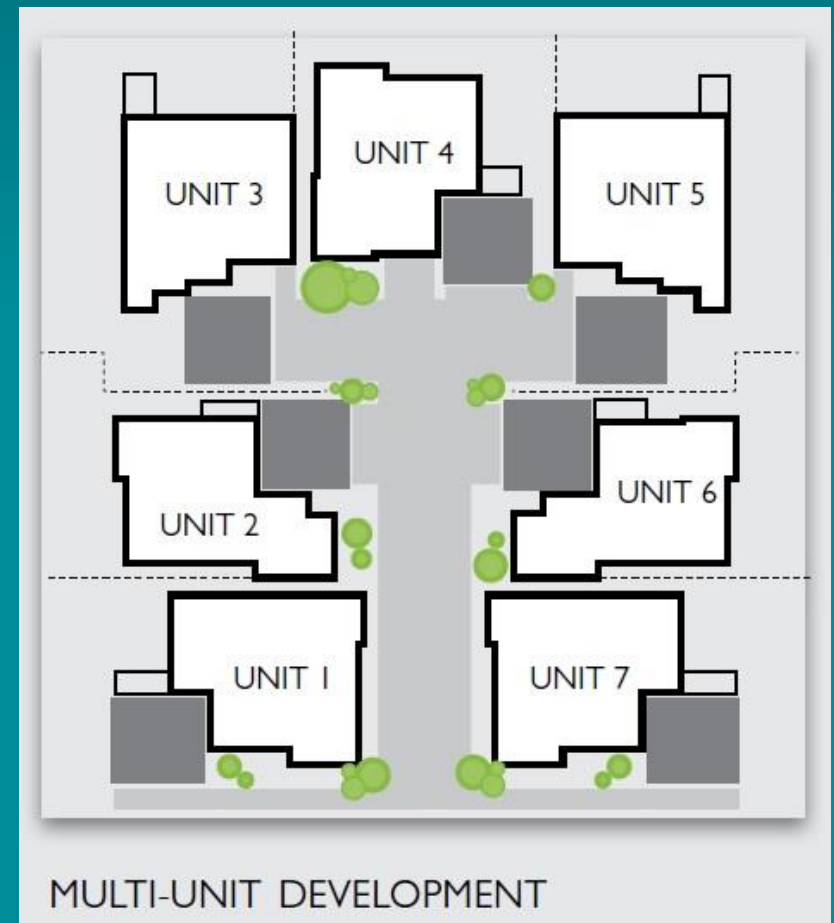
# Service Charge Collection & Debtor Management

Setanta Landers  
Solicitor  
Wednesday 6 February 2019

1. Legal Structure of Multi Unit Developments
2. Service Charges / Sinking Funds
3. Debt Collection Policies
4. Recent Case law

## Multi Unit Developments

- Owned by Members
- Directors Elected
- Agents Appointed



## Service Charges

- Legal Obligation
- As soon as practicable
- 75% ratification
- Covers ongoing maintenance



## Sinking Funds

- Legal Obligation
- Within 3 years
- Separate Account
- Covers once off expenses



## Debt Collection

- Clear Service Charge Policies
- Clear Debt Collection Policies



## . Considering Jurisdiction

- Can't Pay-v- Won't Pay
- Assets available to meet the debt
- Warning Letters
- Entitlement
- Cost??
- Statute of
- Limitations

District Court	€15,000
Circuit Court	€75,000
High Court	€Unlimited

## Enforcement

Requires Court Order



**Sheriff**

**Garnishee  
Orders**

**Charges**



*The Waterside Management Company  
Limited –v- Kelly and Another [2013]  
IEHC 143*

- > Waterside MC granted judgment in Circuit court for arrears of €9,684.05
- > Sought to appoint a receiver over properties
- > This was granted by Circuit Court
- > Set Aside by High Court on basis;
- > Not just and convenient as sums were small
- > Could have collected other ways.



## Disclaimer

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