

Dispute resolution and your almshouse charity

Jonathan Dinsdale



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Legacy and Will disputes

- Should a resident inform the charity if they hold a Will and where it's held? Can a charity insist a resident write a Will?
 - Has the resident made a Will?
 - Is the Manager of the Almshouse aware of the existence of the Will?
 - Privacy and resident's discretion
- How does a charity deal with a resident's belongings if they pass away without a Will or next of kin?
 - Intestacy Rules
 - Bona Vacantia?
 - If unsure - seek legal advice



Property related disputes

- A charity suspects a resident has not been truthful on their application and they have a house or savings not declared, how can they investigate this?
 - Conduct a thorough review to the resident's application
 - Schedule a meeting with the resident to discuss
 - Check public records, credit searches etc
- How can a charity deal with a resident who refuses to let the charity or tradespeople they appoint to access the property to complete checks. Can a charity insist on entry?
 - Communication is key
 - Understanding the reasons
 - Check Letter of Appointment and seek legal advice if problem persists



Property related disputes

- What should a charity do if they suspect a resident is not using an almshouse as their main residence?
 - Gather evidence and check Letter of Appointment
 - Approach resident with sensitivity to understand any concerns
 - Consider termination of appointment if necessary
- Which types of behaviour from a resident can be a case for setting aside an appointment?
 - What constitutes ‘anti-social behaviour’?
 - Watts –v- Stewart [2018] Ch 423



Property related disputes

- How should a charity deal with a resident they suspect can no longer live independently?
 - Conduct thorough assessment
 - Identify key safety concerns and potential risks
 - Work with friends and family/support services
- A charity has given notice to a resident to vacate the property but they have not left the property on the specified date, what are the next steps?
 - Protection from Eviction Act 1977
 - Possession Proceedings under the Housing Act 1988
 - County Court bailiffs powers



Other possible disputes

- Does an almshouse have to allow assistance dogs even if it does not allow pets?
 - Equality Act 2010
 - Reasonable adjustments
 - Potentially discriminatory to refuse





Questions?

Jonathan Dinsdale
Senior Associate Solicitor
Blandy & Blandy LLP
jonathan.dinsdale@blandy.co.uk

