

Date: 25/09/2019
Our Ref: RFI2795
Your Ref: FOI Request – Sutton Point
Tel: 0300 1234 500
Email: foi@homesengland.gov.uk



Homes
England

By Email Only

Windsor House
Homes England – 6th Floor
50 Victoria Street
London
SW1H 0TL

Dear Adi,

RE: Request for Information – RFI2795

Thank you for your recent email, which was processed under the Freedom of Information Act 2000 (FOIA). For clarification, your request is as follows:

A new development, Sutton Point, in Sutton, London was being built over the course of 2018. My wife and I were in the process of purchasing an apartment in that development. In Sept 2018, we had paid the reservation fees, solicitor fees, and mortgage broker fees, and were awaiting exchange of contracts. We were abruptly informed by our agents in November 2018 that the sale will no longer proceed as the developer (CNM Estates) had sold the development to another company. As buyers in midst of the purchase process, we were left in distress with no options offered as what we can do from that point onward. My questions:

- 1. Is it legal and ethical for developers to cancel sales at such point in the process (we had invested significant money, time, and efforts in the process)?*
- 2. Are developers not responsible for communicating clearly with the buyers about what our rights as buyers are in this scenario?*
- 3. What measures and controls does Homes England have in place to minimise adverse impact on buyers in such scenarios?*
- 4. Are there any penalties imposed on developers who break their promises to the buyers as in this scenario?*

Response

To be able to provide you with a response to your request we require clarification. We are able to confirm that your questions are not a request for any recorded information as defined by the Freedom of Information Act 2000 (FOIA).

The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty under section 1(1) is only to provide the recorded information held.

The full text of section 1 in the legislation can be found here:

<https://www.legislation.gov.uk/ukpga/2000/36/section/1>

Therefore, in order to help us clarify your request please could you confirm what recorded information you would like to be provided, we will then be able to progress your request under the FOIA.

If no recorded information is being requested, we would advise you to re-submit your email to our enquiries team, whose details can be found below:

Homes England Enquiries:

enquiries@homesengland.gov.uk

0300 1234 500

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Please contact the Information Access Team at (foi@homesengland.gov.uk) with the clarification that is required. In accordance with Section 1(3)(a) of the FOIA your request will not be processed further until we receive clarification.

We have placed your request on hold and once we receive the clarification required we will then be in a position to process your request in compliance with the FOIA. We would advise that it may be that your questions would be better served to be dealt with by our enquiries team.

Please note that if we do not receive a response within 2 months from the date of this letter, your request will be closed.

Right to Appeal

If you are not happy with the information that has been provided or the way in which your request has been handled you may request an internal review by writing to;

The Information Access Team
Homes England – 6th Floor
Windsor House
50 Victoria Street
London
SW1H 0TL

Or by email to foi@homesengland.gov.uk

You may also complain to the Information Commissioner however, the Information Commissioner does usually expect the internal review procedure to be exhausted in the first instance.

The Information Commissioner's details can be found via the following link

<https://ico.org.uk/>

Please note that the contents of your request and this response are also subject to the Freedom of Information Act 2000. Homes England may be required to disclose your request and our response accordingly.

Yours sincerely,

Information Access Team
For Homes England