



TAKING BACK CONTROL OF TBV

**Hello TBV Owners,**

I imagine by now that you may very well have received an e-mail from a certain owner with the intriguing e-mail address of a certain [richirich\\_07@mail.ru](mailto:richirich_07@mail.ru)...

Judging by the comments, it's likely that RichiRich was one of the 150+ owners whose details we didn't have on our database thanks to the lack of a handover: Resco never let us use the complete database of the owners' contact and property details, so we had to build our own from scratch.

However, it's also likely that this owner hasn't registered with our website, denying themselves the opportunity to read and understand all the documentation about the process of getting things at TBV to where they are today.

That's a real shame because any property owner at TBV who can prove they hold the original copy of a sale agreement or a title deed for a TBV property can register, can register, access and read everything there. And God knows, a lot of time, effort – at our expense - went into that, making sure you could all see and read it for yourselves in Russian, Turkish and English.

**Why did we insist owners needed to register on [www.otbvoaweb.com](http://www.otbvoaweb.com)?**

Ironically, so that we could attract as many owners as possible to the website to give us their contact and property details, and help us build our own database! But at the same time, keeping the general public out of what we regard as your privileged and private information.

**Deliberate damage to the desalination plant's water supply**

Sadly I also have to report that we now have expert opinions from two different sources that damage was done over the last weekend to a water supply pipe in the desalination plant in a deliberate attempt to cause the water pressure around TBV to a) reduce and then b) drop to the point where no water was even available to owners and residents. The police have been informed.

Being on the ball, NSPS Ltd.'s team spotted the problem almost immediately, got some new equipment installed and the pressure back to normal, so well done NSPS Ltd. Even better, the engineer contacted by NSPS Ltd. also works with the Belediyesi and knows the TBV desalination system like the back of his hand, which is going to be very helpful indeed.

**Clearing up a few things!**

So as the OTBVOA's chairman, and on behalf of your committee, RichiRich has given me the ideal opportunity to clear up numerous misunderstandings and inaccuracies in the hope we – that's all of us property owners at TBV - can share the same understanding about the OTBVOA and TBV.

That way, with your support the OTBVOA and its maintenance provider NSPS Ltd. can continue not only with all the good work done to date, but all the work going forward that's essential to improving TBV.

*If after reading through all the points below, you wish to discuss things further, then do please contact me at [enquiries@otbvoa.com](mailto:enquiries@otbvoa.com).*

## **1. Breach of owners' private data, and an unauthorised e-mail campaign**

Starting last Sunday, these e-mails from [richirich\\_07@mail.ru](mailto:richirich_07@mail.ru) all contain the same message and sent in batches to the e-mail addresses of TBV property owners. The first points I'd like to address are to do with data protection, an issue the OTBVOA takes extremely seriously:

- a) Having checked, I can assure you that the OTBVOA's own database of TBV property owners has not been breached in any way, nor has any data been captured from the OTBVOA Facebook page.
- b) Technically speaking, the website (<https://otbvoaweb.com>) is protected by a Secure Socket Layer offering 256-bit encryption, with a 2048-bit public key, meaning any information transmitted to, or received from the website is encrypted and virtually impossible to intercept. RichiRich, if security concerns are preventing you from registering on the website, don't worry!



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- c) That leaves only one other source for a database of all these e-mail addresses, and someone's been given – as far as we know, completely unauthorised by Resco - access to that database in order to use it.
- d) From the batches we have seen, there are plenty e-mail addresses that were unknown to the OTBVOA, which tends to support the conclusion in point above.

The concept and law regarding GDPR and data privacy doesn't apply in TRNC although we're advised that a TRNC judge would most likely agree with a charge of theft. While the release of these e-mail addresses doesn't involve the OTBVOA, there's clearly been an extremely serious breach of personal data held about TBV owners, so we've also contacted the police about this as well.

It's just as well we've got a very good relationship with the local police who as far as we know have the technical means to identify, if necessary, the person violating the TBV owners' water supply. Anything to do with water is taken very seriously in TRNC...

## 2. The OTBVOA can't reach all TBV's owners - yet

Next, I'd like to address the specific points raised by [richirich\\_07@mail.ru](mailto:richirich_07@mail.ru). I'll start by repeating that we were not given access to the latest database of all owners held by Resco. Had that been made possible, we would have communicated with all 429 properties' owners right from the start!

Instead, we had to build our own database which even by mid-March this year came to only 275 properties whose owners' details were known to us, out of a total of 429. An unsatisfactory situation, especially for all those owners who were and still remain unknown, but...it was the best information available to us at the time.

## 3. The purpose of the OTBVOA

Spelled out on our website ([www.otbvoa.com](http://www.otbvoa.com)), the whole basis of the OTBVOA first needs to be understood very clearly by any and every property owner on TBV.

After 12 years of dealing with the developer's own maintenance company:

- a) TBV's overall site maintenance and appearance was judged poor to very poor by TBV property owners, holiday guests and more importantly, people in the regional estate agency business.
- b) Values of TBV properties – even with a title deed or kocan – were around 40 to 50% of the properties' original purchase prices, if they could be sold at all. None of the local estate agents wanted to know about TBV properties, unless it was at knockdown prices.
- c) The desalination plant for which owners had paid between £1,400 and £800 each, had failed within five years of its installation and water outages were occurring regularly, at worst one or more each week in the high season causing major challenges for holiday lettings let alone residents and owners.

So something had to be done. Let's now deal with the way the OTBVOA was set up.

## 4. The Condominium Law and fulfilling all the legal requirements

In 2010 the TRNC government passed new legislation, the Floor Ownership and Floor Easement Act, that enabled property owners to take back control from the developers where the maintenance of their sites' communal facilities were involved.

Also called the Condominium Law, it spells out the steps that must be taken by any group of owners trying to form an Owners' Assembly. The entire process must be overseen by a legally qualified independent adjudicator, and in our case this was Boyra Law and specifically BelginBoyra, who is widely regarded as the authority in TRNC on the Condominium Law.

This law firm was already well known to us through the relationship with the BTBA, the group of 65 owners at TBV who had turned to the law to get their title deeds from the developer without any pre-conditions attached. I might add that contrary to popular opinion, these owners have had to pay all their maintenance invoices in order to comply with TRNC legislation in order to enable their title deeds to be transferred.



In terms of giving owners notice of our intention to form an Owners' Assembly, the law only required us to put up notices at the entrance. We in fact went much further than that:

- a) Notices in English, Russian and Turkish of the two AGM meetings held on **September 27<sup>th</sup>** (and as a quorum wasn't reached at the first one, also for the meeting on **October 4<sup>th</sup>** 2019), were posted at:
  - All seven (7) swimming pools.
  - The TBV site entrance.
  - The Bistro.
  - The Venue (as it was then called).
- b) All owners whose e-mail addresses we had at that point were informed by e-mail, and as the law required, sufficient notice of (at least) 4 weeks was given.
- c) The Notices, AGM dates and so on were also posted on the Facebook page for the TBV Owners with c180 members.

The Condominium Law states that for the first AGM or Annual General Meeting, a quorum of all owners ie. owners representing at least 51% of all 429 properties, must be present for the meeting to go ahead officially. Not surprisingly, that goal of 216 owners present was not achieved, nor was it ever likely to be achieved.

The lawyers who drafted the Condominium Law always knew that this scenario was extremely likely, even more so with 90% of TBV's property owners living abroad in the UK, Russia, and the EU. So the Condominium Law allows for a simple majority vote at the second meeting.

At the AGM on October 4<sup>th</sup> 2019, over 60 owners of various nationalities – each of whom had to produce a title deed or sale agreement which were all independently checked and verified by legal representatives - attended the AGM at the Korineum Golf Club with Turkish and Russian translators present.

A vote was taken with these 60 owners plus all those owners who could not attend but who had sent in their Powers of Attorney (PoA), to vote in the chairman and the OTBVOA committee members. The vote was 108 in favour, with none (0) against.

At the same AGM, it was intended to put the Site Administration Plan (SAP) to a vote but this vote was deferred by the independent adjudicator Belgin Boyra until full Russian and Turkish translations could be posted on the website and notified to all owners. This took a further two weeks.

Voting for the SAP was done using the OTBVOA website to capture as many owners' details as possible, and then to hold an online election, itself legally checked and confirmed by Boyra Law. Adding the PoAs and all online votes, the SAP was voted in with 115 owners supporting to 0 against.

Whilst reference will be made later to the question of those owners who felt they were not being represented, the Condominium Law and the SAP state that ALL owners whether voting or not are bound by the rules in the SAP. Membership of any owners' assembly in the TRNC is not optional.

With the chairman, committee and the SAP elected, the OTBVOA assembly and the SAP had one more legal step: legal registration at the Tapu office along with its Karar Defteri, or official notebook of all major decisions affecting owners made by the committee. This took place in January 2020.

## **5. Legitimate property owners at TBV have full access to the OTBVOA website**

Access to <https://www.otbvoaweb.com/> is only for TBV property owners, even if that means all 429 of you! It's not open to the public at large, nor should it be – it's your private information. All the documentation – AGM Notices, SAP, SLAs, the Tender documentation, procedures and conclusions, even the Condominium Law - is on the OTBVOA website in Russian, Turkish and English, and all TBV's property owners can see and inspect every document for themselves in detail.

If you are an owner, all you need to do is register on the website to access all the information where you'll all find a full audit trail of every decision taken from the first meeting on September 27<sup>th</sup> through to the two most recent newsletters.

## 6. An Owners' Assembly is not a company; and issuing invoices in advance

The Committee is not a company in the legal sense so we don't 'trade' in the corporate sense.

On the basis that the OTBVOA was fully legal and had been established and recognised as such by January 2020, in accordance with the Condominium Law our legal counsel Boyra Law advised us to issue invoices in advance ie. prior to April 1<sup>st</sup> 2020 and well after the OTBVOA committee had submitted the required 30 day Notice of Termination to Resco back in February 14th, a process which was also overseen and checked by Boyra Law.

This approach was taken as the owners are required by the Condominium Law to pay in advance of a period ie. a quarter of a year, and obviously those owners – you! - cannot pay without the required invoices specifying what you're being asked to pay for. Incidentally, for a fuller definition of 'maintenance' check the Service Level Agreements for the fuller definition of what that term means for TBV's communal facilities.

Also, Resco had already invoiced owners for the first quarter (January, February and March 2020) albeit late in February 2020, so it made administrative sense to follow up Resco's invoices with the OTBVOA's for the following quarter (April, May and June 2020), making for a seamless experience for all the owners at TBV.

Referring back to the OTBVOA's lacking a full owners' database, there were inevitably some minor errors on issuing invoices. A fully up-to-date list of owners' details and their properties was something we were expecting as part of a professional handover from the incumbent site maintenance company. Disappointingly, each of our requests was totally ignored despite this meeting being requested several times as part of, and after we'd sent, the Notice of Termination to Resco.

## 7. Bank accounts

The bank account on the OTBVOA invoice is the OTBVOA's account, and it is not that of NSPS Ltd.'s, the new site maintenance company.

The address of the 'agent' bank Vakif is the one given by CreditWest in Catalkoy where the OTBVOA's bank account is held. Vakif Bank's SWIFT code defaults to their head office branch rather than the one where CreditWest has their account. CreditWest has stated that they are aware of this but that it does not affect the owners' money being delivered correctly.

## 8. NSPS Ltd.'s responsibilities include raising invoices on the OTBVOA's behalf

Our site maintenance company NSPS Ltd. has a copy of the OTBVOA's owners' details database (still not complete, but now up to 330 properties and their owners identified) because one of their major responsibilities as outlined in the Service Level Agreement is to issue invoices, along with debt collection.

Owners do not pay the site maintenance company directly unless owners wish to take advantage of NSPS Ltd.'s very generous offer for owners to pay into NSPS Ltd.'s own UK-based account, with the money later being transferred directly into OTBVOA's own CreditWest bank account in TRNC (*send an e-mail with your name and property details to [enquiries@nspsltd.com](mailto:enquiries@nspsltd.com) for more details*).

The same applies to those owners who come in person to pay their maintenance fee at the NSPS Ltd. office (Block 11, apt. 02) while they're staying in TBV.

Finally, in accordance with the law and the SAP, the OTBVOA has an accountant who uses a full double entry bookkeeping system to track all owners' payments on the OTBVOA's sales ledger, and all our payments on the corresponding purchase ledger. So everything possible is documented and recorded.



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#### 9. The OTBVOA represents all the property owners at TBV

The Site Administration Plan was voted in by 115 owners to 0, so claiming “these people were not elected to represent me” is plain wrong. We were elected and we do represent all of you, legally.

Following that vote, the law states that all owners are not only represented but are also legally bound by the OTBVOA and its SAP, using the procedures set out in the SAP.

#### 10. All the details of the full maintenance contract can be seen by any owner that's registered their details with the OTBVOA

Besides the full details of the maintenance contract with NSPS on the website, there's the contractually agreed service level agreement (SLA) for the first six (6) months plus with the full SLA when funds allow. All owners are included in the agreement with NSPS for the requirements of the maintenance of the communal facilities on TBV.

So individual agreements are not legally supported. From an operational perspective, how would for example, the seven pools be maintained if 429 owners each wanted their own separate maintenance agreements, all with their own idea of the service levels to be achieved by the maintenance provider?

#### 11. No we don't charge you KDV. Lower fees? One day maybe...

As the OTBVOA is an Owners Assembly in the eyes of the TRNC law, we do not charge KDV at 16%. Furthermore, we would love to reduce the maintenance fees if it becomes financially viable. That said, the initial inspections by our provider NSPS Ltd. revealed extensive repairs were required throughout TBV's communal facilities, demonstrated by the simple fact it has cost all of us over £6,500 just to repair the swimming pools and get them into an appropriate condition for safe use by owners.

To put that into perspective, that £6,500 should have only been needed for regular maintenance, not for one-off repairs.

The comment later about TBV 'being in a mess' supports some other points of ours as well, eg.:

- a) The view of the OTBVOA (on behalf of the owners) needs as much money as is possible to raise from owners to get TBV into a fit, safe and properly maintained state.
- b) It has always been stated by the OTBVOA that it's going to be a three to five year project to get TBV up to the standard to which it should have always been maintained.
- c) The OTBVOA only took over TBV's maintenance of the communal facilities from April 1<sup>st</sup> 2020, ie. one month ago in the middle of a curfew where access to TBV was initially prevented completely.
- d) Following our Notice of Termination on March 14<sup>th</sup> 2020 there was no handover by Resco, so no gardening or pool equipment was or has since been made available, indeed it remains locked up in the mini-market or taken off-site altogether.
- e) Since March 14<sup>th</sup> the TRNC has had a strictly enforced lockdown or curfew in force, meaning gardening of any kind has not allowed to take place until this week. The swimming pools, which were in a dreadful state, were only allowed to be accessed and maintained because they had become a public health hazard in the eyes of the Esentepe Belediyesi and the TRNC government.

#### 12. NSPS Ltd.'s capabilities

Any maintenance company will call on whatever professional services it needs to deal with any issue that arises on site. So in NSPS Ltd.'s case, as in larger companies like Calendar or Beyler (both of whom were invited to the tender), the most cost-efficient way to deal with eg. an electrical problem is by using the services of an electrician as and when needed.

*(It's worth adding that the Esentepe Belediyesi has always wanted TBV to use local Esentepe-based people and suppliers too ie. plumbers, electricians, gardeners, etc. and thanks to NSPS Ltd., this is happening and much to the Belediyesi's great satisfaction, as NSPS Ltd. director Nigel Seear was told today.)*





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This is the most cost effective way of providing both that service and those of similar specialists. NSPS Ltd.'s core competence lies in a close knit team who can:

- Professionally manage TBV at an operational level.
- Communicate with its owners effectively, face-to-face and otherwise.
- Ensure TBV's communal facilities are maintained to a high standard.
- Ensure TBV is made attractive in the eyes of its property owners, its holiday letting guests, visitors, and tenants.
- Help us raise the maintenance invoices and get them paid!

### 13. Money's tight!

As those owners who follow the posts on our Facebook page will know, money is very tight! But there is a fundamental misunderstanding being conveyed about the site maintenance company not having sufficient funds.

*If there is a shortfall in funds, it is simply because not enough owners are paying their maintenance fees.*

That situation is not helped by the OTBVOA's being unable to invoice the owners of some 150 properties, thanks to the lack of any handover to date. But out of the 275 invoices sent originally to the owners whose details we did have, only some 100 owners have paid their maintenance fees so far. That leaves a further 175 owners who haven't yet paid...

That said, Resco is now getting to grips with all the outstanding issues such as owners' water cards, keys, and remaining float balances in owners' accounts with Resco. With so many owners asking Resco to transfer their funds to NSPS Ltd., it is hoped that this will help to reduce the outstanding unpaid invoices situation.

(If you haven't done so already, and you want Resco to transfer your key(s), account balance and water card to NSPS Ltd., please send an e-mail to Resco at [info@rescomanagement.com](mailto:info@rescomanagement.com) asking Resco to transfer these items to NSPS Ltd.

**To refund your maintenance deposit account or MDA**, owners must send an e-mail in the first instance to Resco with your bank details, asking Resco to refund your MDA.

**If you want your MDA to be used to pay towards the OTBVOA's invoice** for the second quarter's maintenance as well, you need to copy in or 'cc' NSPS Ltd. using [enquiries@nspsltd.com](mailto:enquiries@nspsltd.com), to your e-mail to Resco. Resco will need to see that you have given your authority as an owner for Resco to hand over your MDA to NSPS Ltd. for the purposes of paying your maintenance invoice).

### 14. Yes, maintenance fees are the same as before

Owners we spoke with prior to the OTBVOA's invoicing in mid-March 2020, all expressed a very strong desire that the OTBVOA did:

- a) Not increase fees from their current levels of £70 per calendar month (pcm) for a two bedroom apartment or £80pcm for either a three bedroom apartment or a villa.
- b) Not insist on a maintenance deposit to be paid by owners when the OTBVOA took over the responsibility for site maintenance.

So of course, whilst these wishes have been fully respected, it also meant the OTBVOA started with £0, 0 Euros and 0 YTL. Things have moved on, and the OTBVOA's bank account is in funds, but to put TBV right again and maintain a high standard will need every owner to pay their maintenance invoices.

### 15. Cost of replacing the TBV freshwater system

The figure of £3m to upgrade and replace our broken freshwater supply pipe system back up to the international and TRNC regulatory standards was produced following a report by a professional water engineer who also happens to be an owner at TBV. This figure was stated clearly at the AGM of [October 4<sup>th</sup>](#) 2019 so it's no secret at all, in fact it's public knowledge for registered owners.

#### 16. The tender process: fully legal and overseen independently

The process of selecting a maintenance provider is detailed in the Site Administration Plan and the full details can all be found on [www.otbvoaweb.com](http://www.otbvoaweb.com) once any owner has registered, of how the site maintenance company was selected. It was set up by professionals and very thorough.

Our final choice of maintenance provider was for NSPS Ltd. and their enthusiasm and dedication to TBV and its owners is far greater than we'd hoped for, something that those owners who've met with the NSPS Ltd. team will also readily acknowledge, whatever they may think of the OTBVOA!

#### 17. SAP protocols

All protocols for the SAP are based the Condominium Law and can be found on the website.

#### 18. Handover: all requests turned down until April 27<sup>th</sup> 2020

Resco was asked on several occasions, the first time the middle of February, for a handover and one of the requests made in writing at the time was for the full owners' database. Resco has since informed the OTBVOA that the database will now be one of the items to be discussed and negotiated between Resco's lawyer and the OTBVOA's legal team.

#### 19. 2020 AGM will be in late September

Travel restrictions depending, there will be an AGM towards the end of [September 2020](#), where any owner can stand to be a committee member, and who will then be required to stand for election. Put another way, if any owner – and yes, you do have to be an owner! - doesn't like what we're doing, all you have to do is to put yourself up for election. But I'd also advise that every owner first takes note of what our maintenance provider NSPS Ltd. has achieved thus far despite the curfew restrictions, much of which can be seen on the website's Owners' Area, and what they go on to achieve over the next few months.

#### 20. Freshwater supply

Owners of course want to know about the freshwater supply to TBV. At this time, we can comment that:

- a) We have been told by NSPS Ltd.'s consulting water engineer that a permanent fix has now been provided to the perennial problem of our water supply being disrupted due to unreliable equipment (but not to deal with the kind of deliberate vandalism witnessed on Monday May 5<sup>th</sup> 2020).
- b) Furthermore, there have been some very constructive meetings with the Esentepe Belediyesi regarding the direct supply of fresh water via a new tank at the rear of the Korineum G&CC supplied from the Turkish mainland supply. The work to make that connection at the entrance to TBV has already started and will soon be completed very soon.
- c) To get this connection completed as soon as possible, the OTBVOA has helped by paying for a large pressure reducing valve costing an estimated £650 so that it can be installed by the Belediyesi's team who have installed and paid for all the pipework from the new tank beyond the top part of the Korineum golf course. Developments are required to share the cost of connection of the mains freshwater.

#### 21. The purpose of the Condominium Law

The Condominium Law was designed deliberately to enable owners to take over the responsibility of a development's communal facilities maintenance to be taken away from developers.

The very fact the TRNC government considers that such a law was even necessary and required back in 2010, suggests that developers continuing to have a presence on site, in our case 13 years, is recognised by the TRNC government as being potentially detrimental to the owners' best interests. That is why a growing number of developments in TRNC now have owners' assemblies.

## 22. Capabilities of the OTBVOA committee

Lastly(!), what do we, the OTBVOA committee, know about running an owners' assembly?

Well, it's true to say that none of us have ever run - or in my case chaired - an owners' assembly in the TRNC! But let me tell you a bit about the owners who were prepared to put their hands up when the time came, and put their money where their mouths were as well:

- **Sandie Wilkinson** is an owner who ran her own care and support business for several years and which had extensive property portfolio with all the usual maintenance and management requirements. Sandie built the business up from £0 to enough to attract a major care and support group (a FT-SE listed PLC) to acquire her business. She's also a terrific networker and knows and is known to, many of you at TBV.
- **Larisa Kuznetsova** is one of two committee members who as Russians, represent the Russian owners very well, ensuring their views are fully fed back to the committee. Another great networker, Larisa also has a strong expertise in landscape gardening and is very keen to help TBV develop its communal gardens into some which are both attractive and easy – inexpensive! – to maintain.
- **Vladimir Ushakov** was the president of Alstom Russia and oversaw the tendering and management of several major infrastructure projects in the Russian Federation. So Vladimir knows a bit about tendering at the highest level, and his managerial expertise is highly rated as well. He's also a highly capable translator, thank God, ensuring that as far as possible, our communications are in Russian as much as in English!
- **Pat Slevin** runs his own successful plumbing business back in the UK, and as an owner has long been involved in trying to see that TBV's site maintenance situation could be improved. His perspective as an owner is very useful to the committee, as is that of each of its members. He brings a healthy dose of Mancunian commonsense to proceedings as well...!
- **Chris Le' Carpentier** is an owner from the UK whose expertise lies in high level negotiations, human psychology and interpersonal communications. His input has been extremely welcome throughout what has often been a pretty challenging process to get things to where the OTBVOA and TBV are today.
- **Richard Weakley** worked in the City of London for many years as a director of a major investment management software developer. On retiring, he set up a general recruitment business, selling it successfully to a competitor so that he could finally find more time to spend with his grandchildren – and as it's turned out, TBV as well because he's the OTBVOA's extremely good treasurer!

And then finally there's myself, **Charles de Haan**, an owner whose role is your elected chairman. My career started in corporate communications, branding and design, and then moved into FT-SE 100 annual report production and design for companies like BP, Whitbread, GUS (remember them?! ) and NatWest.

Besides team management and nurturing effective relationships with my committee members and our main supplier NSPS Ltd., my focus is on TBV's PR (internal and external) and especially the communications with you, the owners. And like my committee, I happen to be very determined to see TBV improved, even transformed from the site it's been.

I'm also the chairman of the BTBA so I have both a good insight to the challenges that have presented themselves to the owners at TBV, and a clear vision of what the OTBVOA has to achieve:

1. *Transform TBV into the quality holiday village that all owners and purchasers were promised, one that makes us all proud.*
2. *Put TBV owners and purchasers first by enabling all of you to have your say about what you want TBV to become in the future.*





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If these look familiar, they should: they're the two main goals stated in the first page of the OTBVOA website! So finally, if after reading through all the points above, you'd like to discuss things further, then do please contact me at [enquiries@otbvoa.com](mailto:enquiries@otbvoa.com).

With kind regards,

Charles de Haan, chairman OTBVOA