



Article appeared in the 24/10/2008
edition of GP Magazine



Reproduced by kind permission

Fixtures and Fittings

Question:

We are a small surgery with two partners, one of them property owning. We recently needed to change the boiler and replace a radiator. The non-property owning partner refused to pay out of the surgery's funds. Historically, repairs have been done by the surgery. Please advise as there is no partnership, leasehold or tenant agreement.

Answer:

I assume all of the notional rent goes to the owning partner. The notional rent is calculated by the district valuer on the basis that the landlord bears the costs for external decoration, external and structural repair, and building insurance, but the practice bears the cost of internal repair. So, as an internal repair, it would be reasonable for the practice to pay. The only argument against this would be if those works were at least in part an improvement as, in those circumstances, you may be able to argue for a greater contribution by the owning partner who will benefit from any rise in the surgery's value.