5.1.2,e 5.1.2,e 5.1.2,e 5.1.2,e 5.1.2,e 28/1/21

With regards to the building delay the fines, and a payment arrangement.

The rest of the building work is progressing fast. For the scaffolding to be removed the building coordinator told me we must wait for some dry days with 10 degrees temperature, and he predicts this will be done on schedule in the coming month.

As for the fines,
I find them extremely heavy, and disproportional to the damages caused by the delay. Also the fines never helped to achieve our shared goal of building the house by a certain date. Even with my contract I could not push the contractors more than I already did which has not helped to build the house faster.

The fines only caused stress and difficulties to everyone, and I still could not influence or have any control of the delay. Regardless of the fines, the delay has caused and is causing me so much trouble, of course I did everything I possibly can to try and build on time as can be seen in my correspondence with the building parties.

On a personal note,

5.1.2,e

I have invested over five and a half years of my life in this project, I did my best with a lot of difficult work and stress while struggling with my chronic health. This is my chance to change my life for the better. You gave me an opportunity and I appreciate it tremendously, please don't take it away from me and force me to lose the house.

5.1.2,e wrote to me in the past that the city is not helped by giving me fines. That is not its goal, I know the city was always trying to help, having me lose the house is an extreme measure that will not help anyone.

I would like to offer a payment for the maximum amount I could make without losing the house by paying the city with my building loan, and in the coming years being able to pay that loan back.

Considering all of the above, I would like to propose one of the following payment plans:

The akte I signed with the notary is referring to the general terms of the erfpacht, the algemene bepalingen erfpacht 2000 - AB2000. There I saw article 29 which states that for a building delay the city can ask in fines ten times the canon index, and there is also mentioned the possibility of a 3% daily payment from the canon index.

I find in my case these two fines from article 29 are also unproportional to the delay damages, but compared with the unreasonable fines that if imposed will force me to lose my house, I ask for one of these payment plans from article 29.

(Personally I think it's reasonable that a fine would not be more than a month of my income for a month of delay)

Therefore I propose to settle the fines for the delay either according to the payment of ten times my canon index of 5.1,2,b euros, which comes to a direct payment of 5.1,2,b eu.
Or
With a payment according to the days that you decide that were not out of my control:
My canon index is 5.1,2,b euros (The sum I paid in 2020) x 3% x 365 days(max) = 5.1,2,b eu.
(With this example of 365 days, the sum is close to two years of my entire income).

Article 29.4 from the algemene bepalingen erfpacht 2000 - AB2000 also mentions the possibility of kwijtschelding by the city. 5.1,2,e also told me in our call in March of the possibility to apply for kwijtschelding once the house is finished as other Zelfbouwers have done. I would like to ask that my payment proposals be considered as such.

As I wrote in my mail of 21/1,
Regarding the damages to the neighbourhood by the building delay:

With a prefabricated building there is also a benefit to the neighborhood compared with the rest of my block that had used standard construction that took many months, while some Zelfbouwers were finished and living in their house others were still at the heavy construction phase which created nuisance. I believe that in standard construction the loudest part is the casco whereas with STECO the walls of the house were put together as big lego pieces.

Speed was one of the main reasons I accepted STECO's offer. Now that STECO has delivered, the casco was completed in only one weeks time!.

Apart from work for the foundation that was done very quickly, during the delay period it was quiet at my erfpacht kavel with a fence around it so there was generally no or little disturbance or inconvenience to the neighbourhood.

The damage or interruption to the neighbours was minimal during the delay.

I really hope you can accept my request with this payment proposal, and the goal of the city to build a house is already achieved next month, and I can not lose the house that I have put so much effort into for so long to build.

If you do not accept my proposal please do not go to Incasso, as it will only increase the huge fines debt, and then there is no other choice for me than to try and see if a judge agrees to lower or cancel the fines, as decided also in the 2015 court case of a Zelfbouwer with the city that these fines are unfair and disproportional.

Respectfully and with appreciation,

5.1,2,e