

Insights

BRIEFCASE 2024 QUARTER 4: KEY REAL ESTATE CASES AND UPDATES

Dec 19, 2024



CASE 1: AP WIRELESS II (UK) LTD V ON TOWER UK LTD

Mast confusion: A telecoms lease v licence debate

In a landmark judgment, the Upper Tribunal considers the lease/licence distinction, clarifying exclusive possession, term certain and contractual interpretation in the context of Code agreements.

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CASE 2: SUNNYMEADS MOTOR COMPANY V TOLFREE-CROSS & ANOTHER

Third-time (un)lucky? Court considers if a tenant brought its business lease renewal claim in time

A business tenant, whose lease renewal claim was issued more than a week after the statutory deadline, is thrown a lifeline by the High Court.

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CASE 3: NICHOLAS ALEXANDER BLOMFIELD AND OTHERS V MONIER ROAD LIMITED

First-Tier Tribunal considers what counts as a “storey” in higher-risk buildings

The First-Tier Tribunal considered that a roof garden was a “storey” when assessing whether a building is higher-risk under the BSA, which contradicts Government-issued guidance.

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CASE 4: THE PENTAGON FOOD GROUP & ORS V B CADMAN LTD

So that’s settled, then? Revisiting without prejudice discussions when considering implied terms and misrepresentation in settlement agreements

Can a party enforce or challenge the terms of a settlement agreement where the counterparty allegedly misrepresented its ability to bring the settlement into effect during without prejudice negotiations?

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LEGAL UPDATE: THE LANDLORD AND TENANT ACT 1954

Law Commission publishes long awaited consultation on business tenancies

In its 70th anniversary year, the Landlord and Tenant Act 1954 is under full scrutiny, as the Law Commission seeks views on the appropriate model and scope of security of tenure.

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