

Insights

BRIEFCASE 2024 QUARTER 1: KEY REAL ESTATE CASES AND UPDATES

Mar 25, 2024

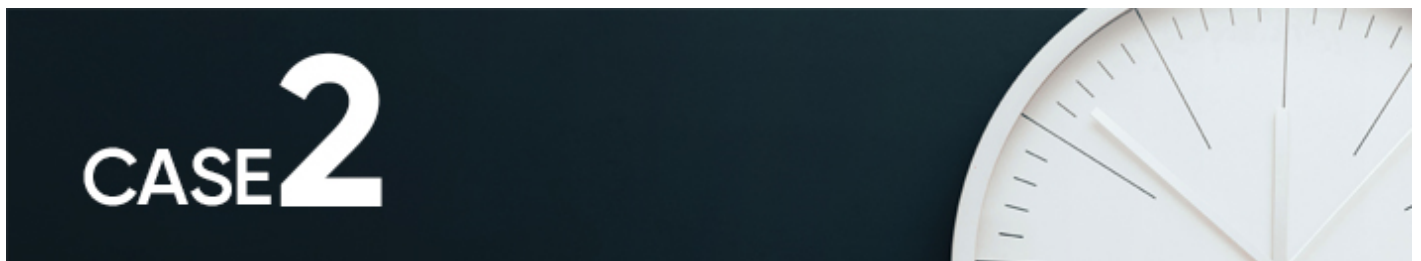


Blackhorse Investments (Borough) Ltd v Southwark London Borough Council

UPPER TRIBUNAL CONSIDERS WHETHER COMMON LONG LEASEHOLD COVENANTS CAN BE MODIFIED

The Upper Tribunal found that an alienation covenant, a keep open covenant and a best endeavours covenant were outside of its jurisdiction to modify.

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IAA Vehicle Services Limited v HBC Limited

WHEN THE CLOCK STOPS – IS TIME OF THE ESSENCE FOR DEPOSIT PAYMENTS?

The High Court decided that even though payment of a deposit was required when an option to purchase was exercised, the fact that time was not of the essence meant that the option was validly exercised in spite of the failure to pay the deposit.

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Alistdair Barclay Brown v Richard John Ridley and Sarah Louise Ridley

NO SCOPE FOR HANGING AROUND... "REASONABLE BELIEF" CONDITION IN ADVERSE POSSESSION CASES CONSIDERED BY THE UPPER TRIBUNAL

The Upper Tribunal has held that applicants in adverse possession cases must reasonably believe that the application land belonged to them for a continuous period of ten years ending on the date of their application to be registered as proprietor.

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Neil John Mackenzie v (1) Sharon Shac-Yin Cheung and (2) Infinity Homes & Development Limited

LANGUAGE UNLOCKS DEVELOPMENT: ORIGINAL ESTATE OWNER ALLOWED TO UNILATERALLY RELEASE COVENANTS BENEFITTING OTHER NEIGHBOURS

Court of Appeal decision allows original vendor to release the developer from a build restriction benefiting the claimant neighbour.

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Messenex Property Investments Limited v Lanark Square Limited

LICENCE FOR ALTERATIONS; ANY CHANGE IN THE LAW?

Could a mixed-use building's landlord refuse licence to add floors and convert the ground floor from business to residential use? Yes!

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RELATED PRACTICE AREAS

- Real Estate
- Real Estate Disputes

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