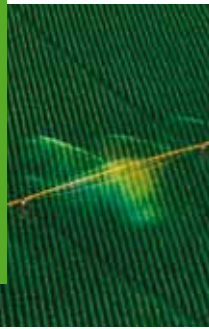


# Real Estate Dispute Resolution



## Core strengths

Our Real Estate Dispute Resolution team provides contentious advice to a wide range of UK and international clients, including landlords, occupiers, developers, lenders and borrowers, in both the public and private sectors. We have a strong track record in advising the world's leading real estate fund managers and institutional investors on complex, high value disputes. Listening carefully to our clients ensures that we help them to find the appropriate solution to their dispute whether through Court proceedings, arbitration, mediation or other alternative dispute resolution mechanisms.

We work closely with the major sets of property counsel and with leading property consultancies and experts to offer clients a full range of dispute resolution services.

## Our services

### Breaches of Lease Covenants

- We advise both landlords and occupiers on the full range of remedies available where breaches of covenant have occurred both during and at the end of the term, including dilapidations and repairs, service charge and rent disputes.

### Lease advisory services

- We act for both landlords and tenants in relation of some of the most prestigious and iconic buildings in the country. We regularly advise on the drafting

and service of break notices, including compliance with conditions precedent; rent review, including the conduct of arbitrations and expert determinations as well as court proceedings to establish the correct interpretation of lease provisions; the unreasonable withholding of consent to assign or to sub-let; and the implementation of statutory lease renewals under the Landlord and Tenant Act 1954 on behalf of both commercial landlords and tenants.

### Insolvency

- Current economic pressures have placed considerable strain on both landlords and tenants, very often resulting in recourse to formal insolvency procedures. We have considerable experience in advising both landlords, occupiers and office holders, including LPA Receivers, on all aspects of property insolvency including the implications of administration and the effect of the statutory moratorium on enforcement procedures; on liquidation and lease disclaimer; on the CVA process and in relation to individual bankruptcy issues.

### Rights to light

- A key issue in property development, advising on all aspects of the right to light is an area in which our team has considerable experience. We advise clients on the service of Light Obstruction Notices and the appropriate remedies for infringement.

### Party Wall Act

- Party Walls have historically been the cause of many neighbour disputes. We advise on all aspects of the Party Wall Act etc 1996 including remedies for breach of the Party Wall Agreement; claims for compensation; appeals to the County Court and disputes over costs.

### Private Nuisance claims

- We advise clients in relation to private nuisance claims whether in consequence of business disruption or infringement of property rights. We work with our clients to find cost effective and timely remedies tailored to each particular situation.

### Surveyors Negligence claims

- Claims against property professionals for negligent property valuations have again become trend driven by the current credit crunch and losses in the property markets. We have considerable expertise in acting on claims relating to surveyor negligence. Our team can advise on all aspects of compliance with the Professional Liability Pre Action Protocol and in relation to relevant remedies and claims for loss. Many of these cases are highly confidential and we are experienced in handling such cases sensitively.

### Squatter actions

- It is important to act swiftly in respect of unlawful occupation, in an effort to minimize damage that can be caused to property. In cases when the self-help remedy is appropriate, we liaise with certificated bailiffs and travellers can be removed in a matter of days. Where

“squatters rights” are being claimed, we have a 100% success rate in obtaining Interim Possession Orders which make continued occupation an arrestable offence. We also have experience of dealing with environmental and other protestors.

### Disputes arising on the sale and purchase of commercial property

- Often, where the acquisition or disposal of a property is concerned, disputes may arise. We have considerable experience of assisting clients in claims for the return of deposits; bringing successful actions or defending against misrepresentation claims and advising on a range of remedies for failure to complete including specific performance and damages in lieu.

### Mortgage actions

- In today’s challenging environment, mortgage possession claims have become more common. Our team regularly advises client lenders in relation to such claims and on enforcement procedures.

## Expertise in practice

Some of our recent work includes:-

### Network Rail

- Advising in relation to a test case lease renewal conducted in the Chancery Division of the High Court in respect of WH Smith units at Euston Station, the outcome of which formed a precedent for all other WHS units at Network Rail managed stations. The matter included complicated negotiation on the questions of turnover rent and supplier income, and a number of legal issues of principle arose.

### A leading global bank

- Advising a well known lender and the LPA Receivers in relation to the recovery of losses arising out of an extensive mortgage fraud in which solicitors, valuation surveyors and mortgage introducers were implicated.

### A leading property adviser

- Advising LPA Receivers on the removal of squatters protesting against the letting of a property to a major supermarket, including obtaining an Interim Possession Order and physical possession of the premises in less than two weeks.

### A substantial private equity fund

- Advising in connection with a significant claim for damages for nuisance arising out of the repair and refurbishment of its London headquarter buildings by its superior landlord.

### A developer owner

- Advising developer owners of a residential property in respect of an appeal of a Party Wall Award, setting aside a Compulsory Purchase Order and defending claims for damages for nuisance successfully concluded by way of a mediation.

### A residential property owner

- Acting in respect of rights of light issues arising out of a major city redevelopment in the City of London.

### Notable cases

- Max Factor Limited v Wesleyan Assurance Society
- BP Oil UK Limited & Others v Lloyds TSB Bank plc
- St George’s Investment Co v Gemini Consulting Limited
- Chancebutton Limited v Compass Services UK & Ireland

## Key international contacts

Key contact biographies can be viewed at [simmons-simmons.com](http://simmons-simmons.com)

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