EdwinCoe LLP

Property Litigation



'Joanna is so experienced and takes everything in her stride. She is very decisive and able to cut through matters.'

Chambers 2023

Edwin Coe's property litigation team comprises lawyers with extensive City experience and provides a comprehensive partner-led service covering all aspects of real estate litigation.

The property litigation team has experience of almost every type of property dispute from joint venture and conveyancing disputes, to trespass, party wall and developer claims, and from professional negligence and rectification claims, to the full range of landlords and tenants disputes, including breaches of covenant, possession and service charge problems, business lease renewal and dilapidations claims.

The focus of the team is on achieving the right commercial outcome for a client and exploring cost-effective ways of reaching that end, although often litigation is inevitable.

With a reputation for being straightforward and tenacious, as well as having a depth of knowledge and expertise in real estate litigation, essential in such a technical area, we receive a high level of referrals from surveyors, accountants and other lawyers.

We advise landlords, tenants, multiple national retailers, developers, local authorities and individual property investors. Clients range from substantial PLC's to small and medium sized businesses and private individuals. Advising a range of clients leads to an insight into the considerations and procedures of large corporations and also individuals.

The split of work is even between landlords and tenants and this provides a significant advantage in terms of the tactical considerations so important in this area, by providing us with invaluable knowledge of all aspects of property transactions and by being able to know what the opponent should be thinking.

Our partners are members of the Property Litigation Association, the Professional Negligence Lawyers Association and APIL as well as various other litigation associations.

Typical areas on which we advise include:

- **Acquisition and sale of real estate**
- **Landlord and tenant work**
- **Joint venture disputes**
- **Nuisance claims**
- **Professional negligence claims**
- **Conveyancing disputes**
- **Rent and service charge recovery**
- **Insolvency of landlords and tenants**
- **Breaches of covenant**
- **1954 Act contested and uncontested lease renewals, claims for compensation and interim rent**
- **Dilapidations claims**
- **Party Wall Act, boundary and rights of way disputes**
- **Forfeiture and applications for relief**
- **Lease surrender**
- **Injunctive relief**
- **Trespass, nuisance and damages claims.**
- **Residential possession**
- **Leasehold enfranchisement – lease extensions and applications for the right to manage and to replace a manager**
- **Defect/disrepair claims against landlords/ developers/contractors**
- **Planning appeals.**

Examples of our work

Asset Management for Landlords and also for Tenants

- Advising on all issues arising out of property investment portfolios, including in particular renewal of business tenancies, exit issues and claims for dilapidations, repayment of overpaid rent and service charge.
- Regularly advising on the full range of dilapidations issues including supersession and diminution in value under Section 18(1) of the Landlord and Tenant Act 1927.

'The practice as a team is one that seems to positively engage in best practice, and work collaboratively and responsibly to provide a best service to its clients and those it engages with.'

Legal 500 2023

'Shams Rahman is highly experienced with very sharp legal mind.'

Legal 500 2023

Business lease renewal applications

- Including contested and uncontested lease renewal applications under the Landlord and Tenant Act 1954, acting for Landlords and Tenants.
- In one case acting for a Tenant persuading a Landlord to drop its opposition to the renewal as a result of the persistent challenge of the Landlord's representation that it was seeking to redevelop.
- Opposing renewals on the grounds of redevelopment by Tenants relying on Section 31A of the Landlord and Tenant Act 1954 to remain in occupation whilst the works are being carried out.
- Dealing with compensation issues and claims for interim rent.

Applications for declarations of a Landlord unreasonably refusing consent to assign or sub-let

- Acting for Landlords and Tenants in cases where consent is sought for assignment or sub-letting, and dealing with declarations of unreasonably withholding consent.
- In one case the issue was whether a Landlord could withhold consent on the basis that the premises were next door to the Landlord's head office and the proposed assignee was The Probation Service. The assignment was permitted, with concessions.

Joint Venture disputes

- Property development disputes for breach of joint ventures or agreements for commission for introductions and claims for equitable relief.

Defects claims against Landlord/Developers

- Claims against Landlord/Developers in particular in relation to luxury new/build developments, with numerous substantial building defects and issues concerning Landlord/Developers derogating from the grant.

Enfranchisement

- Advising on applications for the right to manage and to replace managers and the rights and obligations of RTM Companies. Also, advising Directors of RTM Companies in relation to disputes arising.

Professional Negligence proceedings

- Acting for Claimants against various property professionals for professional negligence in conveyancing transactions and commercial and residential development projects.

Purchase misrepresentation/mis-statement/ breach of option

- Claims involving misrepresentation and mis-statement regarding the purchase of property and the failure to complete.
- Advising a charity in relation to the failure by the purchaser of the Charity's school to provide notice of an option to re-purchase the school.

Party Wall Act, trespass and boundary disputes

- Advising in cases where a Developer or building owner has failed to comply with the obligations of the Party Wall etc. Act 1996, obtaining injunctive relief, identification of boundaries.

Fraudulent conveyancing transactions

- Advising in relation to fraudulent conveyancing transactions, involving forged Wills and forged Transfers. Claims also against Land Registry for compensation.

Cases involving insolvency

- Advising Liquidators, creditors and Companies facing insolvency of the implications on property interests and on assignments of leases.

Our Team

For further information please contact a member of the team. For individual profiles please visit our website: www.edwincoe.com



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Edwin Coe LLP is a Limited Liability Partnership, registered in England & Wales (No.OC326366). The Firm is authorised and regulated by the Solicitors Regulation Authority. A list of members of the LLP is available for inspection at our registered office address: 2 Stone Buildings, Lincoln's Inn, London, WC2A 3TH. "Partner" denotes a member of the LLP or an employee or consultant with the equivalent standing.