

## Joanna Osborne

### Partner

### Head of Property Litigation



Joanna is Head of the Property Litigation department at Edwin Coe.

She deals with all types of property disputes including joint venture and conveyancing disputes, trespass, party wall and developer claims, including those for building defects and against new build warranty insurers, professional negligence and rectification claims, the full range of landlord and tenant disputes encompassing breaches of covenant, forfeiture, insolvency, rent arrears, possession and service charge issues, business lease renewals and dilapidations claims. She advises on commercial, residential and mixed use schemes. Before joining Edwin Coe in 2000, Joanna was a partner in a niche litigation practice called Maislish and Co which specialised in high-profile and heavyweight general commercial disputes. She has acted in company and partnership disputes, construction claims, libel, professional negligence and general contract claims. She therefore has an impressive breadth of experience to draw upon when advising property clients on their matters.

Whilst being assertive and tenacious, Joanna understands that the primary objective of a property client is usually to achieve the most commercially acceptable outcome given the practical requirements of their business and also the risks of litigation. This means that dispute avoidance is an important factor in initial advice. Where that does not resolve a dispute, then Joanna has considerable experience in alternative dispute resolution processes such as mediation, PACT, single expert determination and arbitration.

Clients range from substantial, high-profile Plc's to small and medium sized businesses, private clients, charities and administrators of estates, coming from all areas of business and walks of life, including the media, publishing, property and construction, multiple national retailers, local authorities, individual property investors and all types of landlord and tenant.

## Experience

The following provides an indication of some of the work undertaken by Joanna, who tends to advise on a very broad range of matters on a daily basis.

### **Breach of Option Agreement**

Advising a charity on the failure by the purchaser of a nursery school under an option agreement to provide notice under an option to buy back the school. Bringing a claim for the difference between the sale price and the actual value of the property on the subsequent sale of the school.

### **Professional Negligence**

Acting for claimants against property professionals in connection with the purchase and development of property. Advising on claims concerning construction professionals and claims against solicitors due to their failure to deal with landlord and tenant claims correctly. For example, serving adequate notices and to protect tenants' right to renew in 1954 Act renewal

cases.

### **Break Rights**

Claims arising from defective (or the lack of) break notices served by both landlords and tenants or the failure to comply with conditions. Acting in professional negligence claims where solicitors have not advised correctly. Advising on claims for new business leases containing break rights on the grounds of redevelopment.

### **Property Purchase Issues**

Claims involving misrepresentation and negligent misstatement in the purchase of property and the failure to complete.

### **Business Lease Renewals**

Uncontested and contested applications for new tenancies including those opposed by landlords on various grounds and advising on the various tactical considerations, including in relation to interim rent and disrepair. Some parties are using proceedings as a negotiating tactic more than in the past.

### **Dilapidations Disputes**

Advising both landlords and tenants, including clients with substantial property holdings, on the full range of dilapidations issues including advice on avoiding claims and on supersession and diminution in value under section 18(1) of the Landlord and Tenant Act 1927.

### **Landlord/Developer Defect Claims**

Advising in relation to several luxury new-build developments of flats or houses, with numerous substantial building defects and fire safety issues. Claims where the landlord/developer has breached the covenant of quiet enjoyment and derogated from the grant of leases by seeking to restrict amenity and subsume land in further development. Various planning issues arising.

### **Unreasonably withholding consent to assignment or subletting**

Acting for landlords and tenants in cases where consent is sought for assignment or subletting. 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. In the end the assignment was permitted, but with concessions given as to how the premises would be used.

### **Boundary Disputes**

Numerous disputes concerning failure to comply with the provisions of the Party Wall etc. Act 1996, also disputes concerning farmers moving boundaries, problems with roadways and issues arising in relation to the creation of rights to light.

### **Developer/Joint Venture Disputes**

Advising on legal rights and obligations between joint venture partners. One case concerned a claim for equitable relief arising from an estoppel.

### **Expertise**

- [Property Litigation: Overview](#)
- [Joint Venture Disputes](#)
- Acquisitions and sale of real estate
- Conveyancing Disputes
- Party Wall Act
- [Landlord and Tenant Disputes](#)
- Breaches of Covenant
- [Business Lease Renewals under the 1954 Act](#)
- [Dilapidations Claims](#)
- [Landlord/Developer Defect and Disrepair Claims \(including those with fire safety issues\)](#)
- Construction Contract Claims
- [Forfeiture and Applications for Relief](#)
- Lease Surrender
- [Injunctive Relief](#)
- [Trespass, Nuisance and Damages Claims](#)
- [Rent and Service Charge Recovery](#)
- Insolvency of Landlords and Tenants
- [Leasehold Enfranchisement, Lease Extension and Right to Manage](#)
- [Professional Negligence Claims](#)
- [Planning Appeals and Enforcement](#)
- [Local Authority Disputes](#)

## Credentials

- Ranked in Chambers UK 2021
- Recommended in The Legal 500 UK 2021
- Member of Property Litigation Association
- Member of Professional Negligence Lawyers Association
- Member of Women in Property

## Contact

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