

muckle<sup>LLP</sup>



# find your fix

for any commercial property dispute



# got a **property** dispute?

Nobody likes disputes (well, apart from us). Whether you're a commercial landlord, tenant, developer, business owner, estate manager, land agent or surveyor, a dispute takes you away from doing what you do best. And a messy one can damage reputations and profits. So let's see what we can do to help.

## **a property problem shared...**

Our Real Estate Dispute Resolution team are professional property problem solvers. We sort out property disputes, all day, every day. From single site retail tenants to large corporates with nationwide property portfolios, we resolve disputes quickly through personal advice that works first time, saving you stress, hassle and money.

## **lease renewals**

Tenant or landlord, we are experts in opposed and unopposed lease renewals. We consider your end goal and advise on the best time to serve statutory notices or issue protective claims. We also work closely with clients, surveyors and other advisers to provide evidence to back up the proposed terms of new leases or the legal grounds for opposition.

## **break notices**

Exercising conditional break options properly can be a legal minefield, but we've drafted and served hundreds of break notices for landlords and tenants and can help you avoid all the potential issues. Receiving a notice for premature termination can also be a nasty set-back. If your business is on the receiving end, we'll fight your corner, scrutinise the notice for defects and work with other parties to settle disputes quickly.

## **rent reviews**

Where leases include complex rent reviews, we work with surveyors to draft any review notices needed and evidence the comparables or use all our experience to challenge unfavourable arbitration awards.



### breaches of covenant

Need to threaten lease forfeiture or being threatened? We regularly advise landlords and tenants on breaches of covenant, including drafting and serving s. 146 notices and advising on a landlord's ability to inadvertently waive its right to forfeiture.

If breaches can't be fixed, we'll help you pursue the best forfeiture method – court action or peaceful re-entry. Threatening forfeiture can also be used tactically to encourage tenants to abide by the terms of the lease, and we'll advise you on how this tactic is to be best used.

### dilapidations

At the end of a tenancy landlords and tenants discuss the condition of the property. These claims can be costly and it's important to identify realistic end goals at the start. If you can't agree on the state of repair, we have many tried and tested ways to identify key issues and implement a resolution strategy.

### insolvency

If a tenant's financial situation is unstable we'll advise on the best method to protect your income. That could be by diverting funds from any subtenants or guiding you through restrictive creditor arrangements. It's a sensitive area, but we work closely with our insolvency and non-contentious property specialists to navigate the many layers efficiently and cost effectively.

### service charges

Recovering service charges can be complicated, but we can help with all kinds of issues, from claiming back arrears to handling a service charge challenge.

### property rights and obligations

From enforcing easements or covenants to defending your rights and obligations, we can take care of everything.



The team was very responsive and easy to deal with, providing clear and well-reasoned advice that allowed us to set out our position to the landlord with confidence and secure the outcome we wanted. They have been personable, helpful and pragmatic throughout and I would highly recommend them.

**James Bower, Newcastle University Property Surveyor**





### **ownership issues**

Whether somebody claims adverse possession, has an interest in the property or disputes ownership outright, we can guide you through the necessary steps to resolve your differences.

### **boundary and neighbour issues**

Boundary location disputes, property encroachment, Party Wall Act issues or accessing neighbouring land for works - we have dealt with every kind of boundary and neighbour issue from both sides. It means that we can give you practical advice to solve the problem with minimal fuss.

### **practical, personal and cost effective**

To make sure costs are always as low as possible, we sort out issues as soon as possible. Our creative team are excellent negotiators and are experts in resolving disputes without expensive litigation and court fees. Of course, if litigation is necessary, we are fully equipped to argue your case in the tribunal and court systems with skill and tenacity.

## **on time, on budget, always**

We believe a promise is a promise. So expect technically excellent legal support, that's delivered on time and within your budget, every time. That's the Muckle way.

“ We receive practical advice with commercial awareness from all levels of legal qualification backed by prompt and highly efficient service. With Muckle LLP we achieve a high rate of success based on an initial strategic assessment of our objectives for each case before legal proceedings are commenced and this often leads to added value for our business.”

**Phil Nelson, Grainger plc Head of Portfolio Management (North)**

# here to help

There are lots of ways we can help. The important thing is finding out what works best for you. Speak to our Legal 500 recommended lawyers, **Charlotte**, **Sarah** or **Jennifer** to learn more.



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The Real Estate Property Litigation team are very responsive, technically excellent and focus on what is important to you. All advice I have received has been commercial and practical; always with an emphasis on the end result and how best to get there.”

**Chris Bartlett, CML Properties Managing Director**



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