



What you need to know about property disputes



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Background

Our specialist team provide practical, commercial advice on all types of property litigation and real estate disputes. As well as pursuing and defending claims in complex disputes, our property litigation experts can provide specialist advice on portfolio management issues.

We provide tactical advice how to resolve the dispute quickly and proportionately. We can advise on disputes and litigation in relation to commercial properties as well as residential developments.

Our Dispute Resolution team are committed to providing fast and cost-effective resolution. Always flexible in our approach, we appreciate that no two cases are the same. We handle your needs effectively with a practical and commercial approach: always seeking to provide solutions aligned with your business objectives.

Protecting our clients' best interests, reputation and bottom line is our number one priority.



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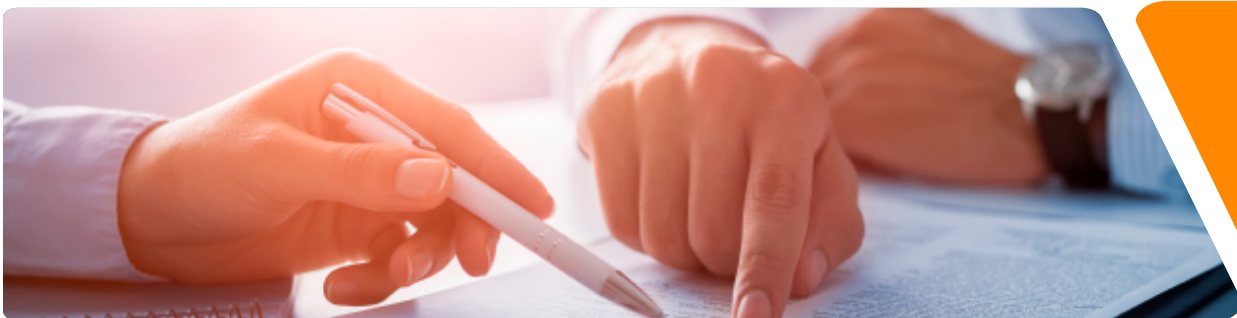


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Fabulous service! Very helpful and professional. All options were explained clearly and in a timely manner. I was in constant contact and able to discuss any questions or concerns. I am thoroughly impressed with the service provided, and the positive outcome achieved. Thank you again for the hard work.



How TV Edwards can help:

We are a team of seasoned litigators, recognised for tirelessly fighting our client's corner. We are well-known for our high-profile work, including complex and high value commercial litigation, property litigation and civil litigation cases.

Our approach

We work closely with you to understand your objectives as well as to help you to minimise your risk. Our solicitors act for a broad range of clients and can help you with a wide range of services including:

- Land: boundary disputes, lease extensions and lease enfranchisement.
- Property: dilapidations and disrepair disputes, neighbour disputes, service charge disputes, building disputes, breaches of covenant and easements, commercial lease renewals and TOLATA disputes.
- Landlords: rent reviews, residential and commercial landlord & tenant possession claims, tenants' rights to purchase and withholding of consent by landlords
- Contested probate

How we work:

We support you throughout the dispute resolution process in the following ways:

- Assessing the merits of your claim and the likely outcomes
- Liaising with the other parties to fully understand the grounds for the dispute
- Obtaining evidence to put forward your best possible case, allowing us to form a robust strategy
- Ensuring you understand the costs involved and your funding options.
- Attempting to resolve the dispute before embarking on court action.
- Vigorously defend your position if court action is unavoidable.

Who we help:

- Retailers and developers
- Investors, financial institutions, property managers and leaseholders
- Educational establishments and charities
- Tenants



Our key property dispute services include:

- Commercial lease renewals
- Contested probate
- Contractual disputes
- Intellectual property litigation
- Japanese knotweed dispute solicitors
- Neighbour disputes
- Professional negligence
- Rent reviews
- Residential and commercial landlord & tenant possession claims
- Service charge disputes
- Settlement agreement services
- Tenants' right to purchase and withholding of consent by landlords
- TOLATA disputes

Why choose TV Edwards for property disputes?

- A very strong record of success in court proceedings where ADR is not successful
- We take a clear, practical and robust approach to dispute resolution
- Immense experience and expertise
- Transparent costs as well as commercially attractive funding arrangements
- We offer out of court settlements, explore other practical and cost-effective avenues to resolve disputes, including negotiation, mediation, arbitration and other alternative dispute resolution (ADR)

I am delighted that TV Edwards won my TOLATA claim at trial, achieving an order for sale granted in my favour and an order for 50% of the proceeds of sale. They have provided a thorough and professional service throughout and I really appreciate their hard work and communication with me. Their advice and approach to strategies helped me succeed with my claim and I would certainly recommend them to others.

Adam was very impressive with how he acted in recovering a large commercial debt for our business. He was attentive to what we wanted to achieve and was robust in his approach to successfully resolving the case on incredibly favourable terms. We would definitely recommend instructing Adam and look forward to working with him again in the future. 5/5 rating for sure. He is our go to man.

More detail on some of our key litigation services

- **Residential and commercial landlord & tenant possession claims**

We offer solutions for both tenants and landlords.

Landlords - It is common that a landlord will seek to recover possession of a tenanted residential property. There is a procedure which the landlord must follow to recover possession of the property. The landlord cannot simply re-enter the property and change the locks as this may lead to the tenant bringing a claim against the landlord for breach of the terms of the tenancy agreement.

Acting for the Tenant - Our Dispute Resolution solicitors also have the knowledge and expertise to act for tenants who are facing a possession claim.

- **Lease extensions**

Under LRA 1993 tenants can request a new lease of 90 years plus the remainder of their current ones at a peppercorn rent (a very insignificant amount of rent).

A premium must be paid to the landlord (the freeholder) for the loss of rent on their current lease and for being kept out of the property for the additional term.

Being aware of the lease extension process is crucial for property owners (whether they are freeholders or leaseholders) and the ownership of property in a building which the process applies means you may be required to participate in the process of the extension. The benefits of knowing your rights in this respect are:

TOLATA disputes

TOLATA proceedings can be expensive so it's important to obtain legal advice in this complex area of law. The Trust of Land and Appointment of Trustees Act 1996 (TOLATA) gives Courts certain powers to resolve disputes about the ownership of the property.

When considering TOLATA claims the court has discretion to order any of the following:

- To force the sale of land or property.
- To reoccupy a former family home when an ex-partner refuses to leave.
- To determine the share of the property that you each own.

A claim under TOLATA can be wide reaching in respect of who can make the claim but the majority of cases tend to be relating to separated cohabiting couples. Anyone in the relationship who has an interest in a property or land may apply to the Court for an Order concerning their interest.





Established in 1929, TV Edwards is recognised for its experience, expertise, and customer service. Our first-class legal services have been recognised with industry awards. We provide a client-focused approach and deliver bespoke, pragmatic advice, delivering exceptional levels of customer service. Our advice is clear and independent, and based on many years' experience.

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