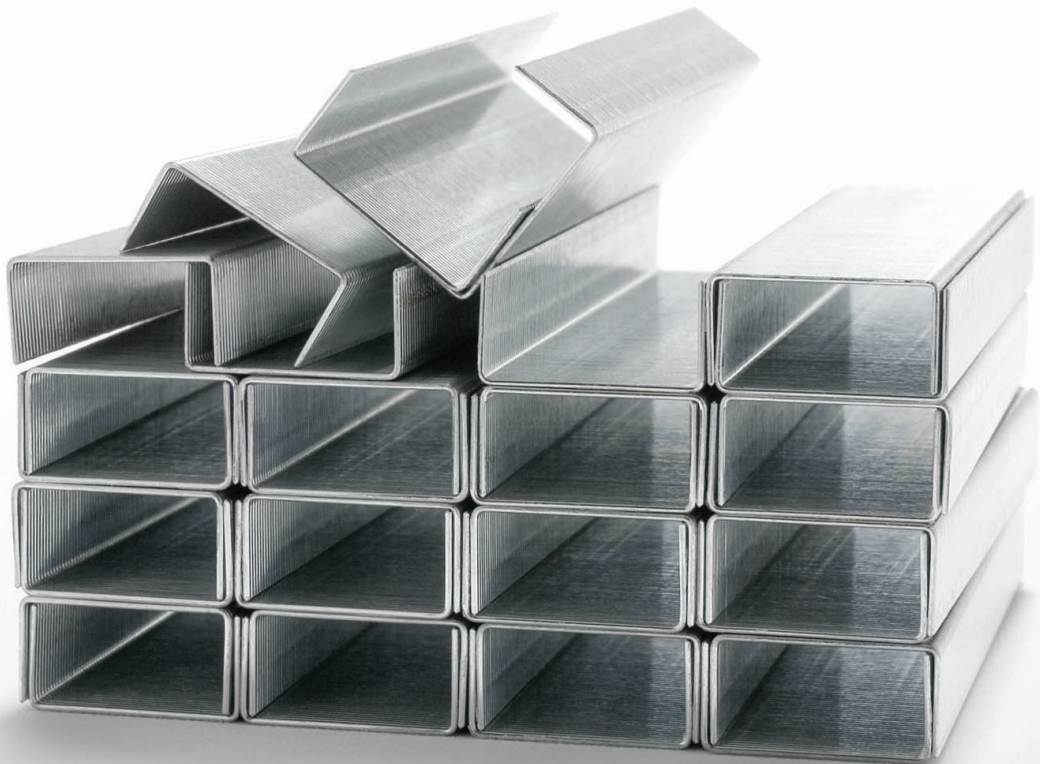


*Property Management and Disputes*

Capability Statement



## Individual specialists, with niche property expertise...

Specialist advice, delivered in a clear and timely manner, is vital if you are to manage your property interests effectively.

Whether you occupy your property for your business or as a residence or own it as an investment, you will occasionally need informed and up-to-date advice from experienced professionals. Otherwise, you can easily miss an opportunity to make best use of your property and may face unnecessary liabilities.

When disputes arise, you need them resolved quickly and effectively. Litigation will, for many, be unfamiliar territory, which can readily become a time-consuming and costly distraction.

Where disputes can't be resolved without court proceedings, you will need some key questions answered – how strong is my case, how long will proceedings take and what will they cost? You need a clear and early appraisal of risk to enable you to take informed decisions from the outset.

### How we can help

We are specialists in resolving disputes affecting all types of commercial and residential property, whether in court or by negotiated settlement. We recognise that it is the outcome and not the method that matters to you, and our primary focus is on delivering practical solutions. For that reason, we have expertise in all forms of dispute management, including mediation, arbitration and litigation in all courts and tribunals.

Our clients value our ability to direct our experience towards achieving results, very often without the need for court proceedings. Our objective in every case is to achieve a commercial, cost-effective resolution as quickly and as painlessly as possible.

Our work is not limited to pure dispute resolution. We routinely provide strategic advice, alongside other property professionals, including surveyors, valuers and accountants. This will enable you to manage your property and respond quickly to changing circumstances and demands.

To achieve this, we also work alongside a team of highly regarded property lawyers within Manches to provide clear advice at all stages, from the acquisition to the disposal of your property interests.

### Why use Manches?

- Manches is a leading UK law firm offering comprehensive legal services in key industry sectors.
- We have a distinguished reputation for delivering an outstanding service and clear, unequivocal advice, with access to over 170 lawyers in two key locations in the Thames Valley and also in London.
- Our existing clients benefit from strong, lasting relationships based on understanding and trust, a friendly approach, responsiveness to the task, and the quality and delivery of results.
- Our lawyers work as a team, matching the right skills to the right task. In each practice area there are specialists who are leaders in their fields as recognised by the legal media.
- The leading legal directories have recognised the team's reputation and expertise.

## to help minimise your risks

### Our specialist areas

- Landlord and tenant - lease renewals, dilapidations, service charge disputes, rent reviews, consent for assignment and sub-lettings.
- Enforcement action for breaches of covenant, including rent arrears.
- Development disputes - restrictive covenants, easements, option agreements and overage disputes.
- Possession claims against tenants, licensees and squatters.
- Insolvency affecting landlords and tenants, including disclaimer of leases and LPA receiverships.
- Leasehold and freehold enfranchisement.
- Neighbour and boundary disputes, including adverse possession and nuisance.
- Professional negligence claims.
- Regulatory issues - licensing, planning, environmental and disability discrimination in relation to property.
- Social housing management issues.

### Examples of our work

#### Service charge dispute

We have represented a commercial tenant in a long-running service charge dispute over proposed works to the air conditioning system and roof at its head office premises. The landlord's initial proposal was for complete replacement of the air conditioning system and re-covering of the roof at a cost of £1.4 million. Following the instruction of an expert to assess the landlord's proposals and extended discussions between the parties, the landlord significantly altered its programme of works. This has substantially reduced the cost of the works and our client's service charge liability.

#### Interference with easement and opposition to planning proposals

We acted for a residents' management company which owns and manages the estate roads on a private gated estate comprising around 1,500 residences, in its defence of proceedings brought by the owner of an adjoining sports field. The developer issued proceedings in the High Court claiming interference with access rights and derogation from grant relating to the company's objections to a planning application for the development of around 150 units on the sports field. The proceedings, in which the developer was seeking a range of injunctions and declarations, were settled on favourable terms at the start of a 3-day trial.

#### Breach of landlord's repairing obligations

We were instructed by a plc on early termination of a lease of an industrial unit by exercise of a break option, as a result of the landlord's failure to repair the roof throughout the term of the tenancy. Our client had a substantial six-figure sum claim for damages as a result of the need to relocate its business operations elsewhere. We also advised on the client's dilapidations liability for this property.

#### Mass protesters

We were instructed by a university to secure the removal of student protesters who had gone into unlawful possession of one of its historic buildings, as part of the nationwide protest against proposed increases in tuition fees. The students were evicted within 48 hours of going into occupation, after we had obtained an order abridging time between service of the proceedings and the hearing.

#### Landlord's liability for inherent defects

The estates department of a local authority sought our advice on the liability of the local authority and its tenants for the defective condition of a 63 unit light industrial estate. This involved reviewing obligations to carry out remedial works caused by an inherent defect (with an estimated value of £600,000), advising on rights of access to inspect and advising on health and safety issues. We subsequently advised on preliminary investigations to assess the extent of works required and associated correspondence with tenants.

#### Validity of break notice

We acted for a property management company in proceedings brought by a major financial institution concerning the validity of a break notice served in respect of substantial office premises. The proceedings were discontinued by the financial institution after it admitted that the notice was invalid. The remaining lease term of 12 years (with associated rental income of £8 million) was confirmed.

#### Industrial estate management

The management of a 16 unit light industrial estate in Kent has been a long term instruction for the team. Matters arising have involved handling lease renewals and terminations across all 16 units, dilapidations claims, possession proceedings against travellers trespassing on a section of the site, and ongoing correspondence with the local authority landlord regarding the condition of its neighbouring sites.

### Regulatory advice

We advised a public sector organisation regarding the proper disposal of incinerator waste, under the Environmental Protection Act 1990 and the Hazardous Waste Regulations 2005.

We advised an energy generator on its potential liabilities arising from the demolition of an industrial plant at one of its power stations.

We have advised educational establishments on legislation concerning houses in multiple occupation, fire safety and energy performance certificates.

We have acted for clients on a range of asbestos-related matters, including a negligence claim against an asbestos-licensed contractor removing ACMs from a residential property. We have also advised a plc on the dutyholder obligations under the 2006 Regulations.

We advised a major public sector transport provider regarding the implementation of the Regulatory Reform (Fire Safety) Order 2005 and provided successful mitigation for a defendant company being prosecuted for fire safety offences. This resulted in the matter being dealt with in the Magistrates' Court, a reduced fine and no individual being prosecuted.

### Our clients include:

- British Energy Group/EDF Energy
- Haulotte UK Limited
- London Underground
- On Demand Communications (Kall Kwik UK Limited and Prontaprint Limited)
- Oxford Brookes University
- Oxford colleges
- RM Education plc
- Siemens plc
- Staveley Industries
- The Institute for Animal Health
- The Sunlight Service Group
- University of Oxford

### What others say

*"[The team] has the great ability to negotiate with tough adversaries in a civil fashion."*

Chambers & Partners UK

*"Manches LLP proves 'very thorough & reliable', with John Morrison 'exuding a quiet confidence which comes from being part of a competent team'."*

The Legal 500

*"Clients like the team's disciplined style, its sensitive, communicative approach and its strong work ethic, with 'the successes down to the level of preparation that was done'."*

Chambers & Partners UK

## MANCHES

The Property Management and Disputes team is led by John Morrison. For further information please contact

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Manches is a leading law firm in Oxford, Reading and London. We advise clients on all areas of business law, including commercial litigation and dispute resolution, banking and asset finance, property, property disputes, corporate, employment, intellectual property and technology law.

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