

Insights

BRIEFCASE 2022 QUARTER 4: KEY REAL ESTATE CASES AND UPDATES

DECEMBER 2022

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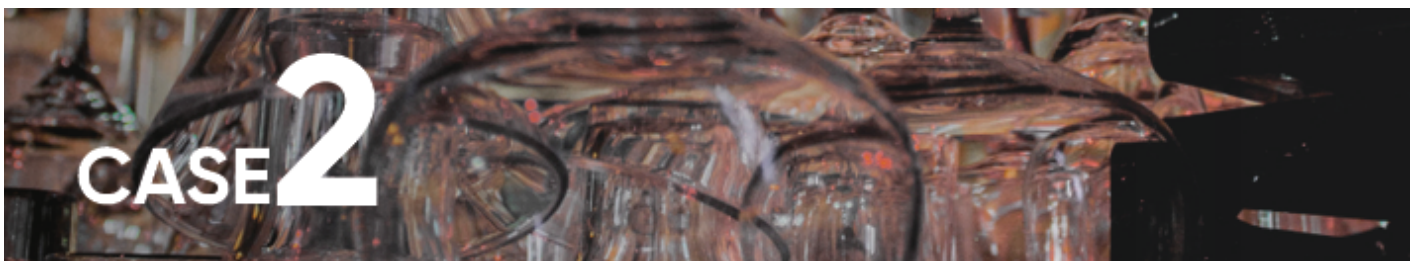


NAZIRALI SHARIF TEJANI V FITZROY PLACE RESIDENTIAL LIMITED (1) 2-10 MORTIMER STREET GP LIMITED AS A GENERAL PARTNER OF 2-10 MORTIMER STREET LIMITED PARTNERSHIP (2)

Court dismisses “bubble wrap” noise nuisance case.

“...the noise complained of is not such as to awaken the average person when sleeping in the apartment, let alone frequently. That leaves the question of whether, although the noise is not such as to disturb sleep in any meaningful way, it is still such as to materially interfere with the ordinary comfort of the average person living in the apartment. I have concluded that it is not.”

[Read about why this case is important >](#)



HUSH BRASSERIES LIMITED V (1) RLKREF NOMINEES (UK) ONE LIMITED (2) RLKREF NOMINEES (UK) TWO LIMITED

What a relief! High Court grants relief from forfeiture of an option to take a new lease.

"By the Notice, the Defendants explained that they were terminating the Option because of the rent arrears; that is, because the Claimant breached the rent payment obligation in the Lease. It would be odd, therefore, if there was a difference in approach, in this case, from the much more common case where a lease is forfeited for non-payment of rent."

[Read what the court said >](#)



STAMPFER V AVON GROUND RENTS LIMITED [2022] EWCA CIV 1375

Landlord denied recovery of the cost of serving notices demanding ground rents.

"Giving the s.166 notice turns the lessee's potential liability to pay rent into an actual liability ...but it is not itself the collection of rent"

[Read what Stampfer v Avon Ground Rents Limited was about >](#)

You can also read our blog '[Ground rents and the costs of protecting tenants - who pays?](#)' by Roger Cohen.



HAMILTON V HER MAJESTY'S ATTORNEY GENERAL AND OTHERS; WALTON PROPERTIES [LTD] V HER MAJESTY'S ATTORNEY-GENERAL [2022] EWHC 2132 (CH)

English law reigns supreme at castle where foreign company is dissolved.

"Put simply, land in England is subject to English law"

[Read what the court decided in Hamilton v Her Majesty's Attorney General and Others >](#)



ASSETHOLD LIMITED V ALEXANDRA ADAM AND 14 OTHER LEASEHOLDERS OF CORBEN MEWS

Pyrrhic victory for landlord in service charge dispute.

"...to put in place an interim safety measure in response to a report that said the fire risk was "intolerable" cannot be said to have been irrational... nor unreasonable.."

[Read why Assehold Limited v Alexandra Adam is important >](#)

RELATED CAPABILITIES

- Real Estate
- Real Estate Disputes

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