

Insights

BRIEFCASE 2023 QUARTER 2: KEY REAL ESTATE CASES AND UPDATES

Jun 27, 2023

SUMMARY

In this quarter's edition, we cover cases concerning continuing nuisance, business lease renewals, "subject to contract" and misrepresentation. We also tell you about the new Renters (Reform) Bill recently introduced to Parliament.



Jalla and another v Shell International Trading and Shipping Co Ltd and another

SUPREME COURT RULES ON WHAT CONSTITUTES A CONTINUING NUISANCE

Following the decision in *Fearn v Tate* as to what can constitute a nuisance, the Supreme Court decided what constitutes a "continuing" private nuisance, causing a fresh cause of action to continually accrue.

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



LANDLORD'S REDEVELOPMENT BREAK TRUMPS THE TENANT'S POSITION

The court was asked to decide whether a new tenancy in unopposed lease renewal proceedings should include an early landlord's redevelopment break.

[Read what the court said >](#)



Pretoria Energy Company (CHITTERING) Limited v Blankney Estate Limited

"SUBJECT TO CONTRACT" HEADING NOT ESSENTIAL FOR HEADS OF TERMS

The Court of Appeal found that heads of terms, which were not headed "subject to contract", did not constitute a contractually binding agreement for lease.

[Read about the court's reasoning >](#)



Eryl Rosser v Pacifico Limited [2023] EWHC 1018 (CH)

"CAVEAT EMPTOR" TYPE ARGUMENT DOES NOT SAVE SELLER FROM MISREPRESENTATION CLAIM

When a purchaser discovered that the second bedroom of her new flat did not have planning permission for a window, she sued the seller of her "two bedroom" flat for misrepresentation.

[Read what this case demonstrates >](#)



Recent legal news

RENTERS (REFORM) BILL: NEW RENTERS REGIME FOR RESIDENTIAL PROPERTY SECTOR

The Renters (Reform) Bill has been introduced to parliament. It proposes an overhaul of the private rented sector, intended to improve the position for renters.

[Read the summary of what the Renters \(reform\) Bill proposes >](#)

RELATED CAPABILITIES

- Real Estate
- Real Estate Disputes

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