

Insights

## BRIEFCASE 2024 QUARTER 1: KEY REAL ESTATE CASES AND UPDATES

Mar 25, 2024

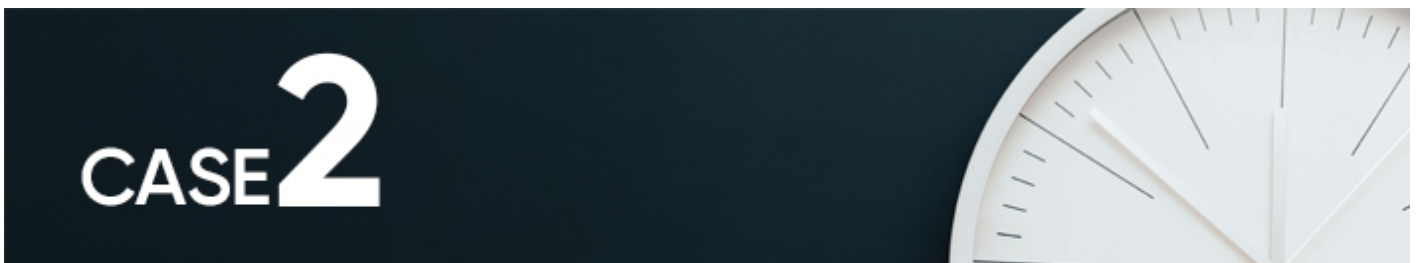


*Blackhorse Investments (Borough) Ltd v Southwark London Borough Council*

### UPPER TRIBUNAL CONSIDERS WHETHER COMMON LONG LEASEHOLD COVENANTS CAN BE MODIFIED

The Upper Tribunal found that an alienation covenant, a keep open covenant and a best endeavours covenant were outside of its jurisdiction to modify.

[Read more >](#)



*IAA Vehicle Services Limited v HBC Limited*

### WHEN THE CLOCK STOPS – IS TIME OF THE ESSENCE FOR DEPOSIT PAYMENTS?

The High Court decided that even though payment of a deposit was required when an option to purchase was exercised, the fact that time was not of the essence meant that the option was validly exercised in spite of the failure to pay the deposit.

[Read more >](#)



*Alistdair Barclay Brown v Richard John Ridley and Sarah Louise Ridley*

## **NO SCOPE FOR HANGING AROUND... "REASONABLE BELIEF" CONDITION IN ADVERSE POSSESSION CASES CONSIDERED BY THE UPPER TRIBUNAL**

The Upper Tribunal has held that applicants in adverse possession cases must reasonably believe that the application land belonged to them for a continuous period of ten years ending on the date of their application to be registered as proprietor.

[Read more >](#)



*Neil John Mackenzie v (1) Sharon Shac-Yin Cheung and (2) Infinity Homes & Development Limited*

## **LANGUAGE UNLOCKS DEVELOPMENT: ORIGINAL ESTATE OWNER ALLOWED TO UNILATERALLY RELEASE COVENANTS BENEFITTING OTHER NEIGHBOURS**

Court of Appeal decision allows original vendor to release the developer from a build restriction benefiting the claimant neighbour.

[Read more >](#)



*Messenex Property Investments Limited v Lanark Square Limited*

## **LICENCE FOR ALTERATIONS; ANY CHANGE IN THE LAW?**

Could a mixed-use building's landlord refuse licence to add floors and convert the ground floor from business to residential use? Yes!

[Read more >](#)

### **RELATED PRACTICE AREAS**

- Real Estate
- Real Estate Disputes

## MEET THE TEAM



**Lauren King**

London

[lauren.king@bclplaw.com](mailto:lauren.king@bclplaw.com)

[+44 \(0\) 20 3400 3197](tel:+442034003197)



**Carly Curtis**

London

[carly.curtis@bclplaw.com](mailto:carly.curtis@bclplaw.com)

[+44 \(0\) 20 3400 3567](tel:+442034003567)



**Perry Swanson**

London

[perry.swanson@bclplaw.com](mailto:perry.swanson@bclplaw.com)

[+44 \(0\) 20 3400 2266](tel:+442034002266)



## **Megan Davies**

London

[megan.davies@bclplaw.com](mailto:megan.davies@bclplaw.com)

[+44 \(0\) 20 3400 4194](tel:+442034004194)

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