

REAL ESTATE DISPUTES

Whether you are a developer, investor, financial institution, lender, borrower, landlord, tenant, retailer, property manager or operator, we can help you avoid real estate disputes or successfully resolve them.

Our market leading real estate disputes team represents clients in litigation, ADR (Alternative Dispute Resolution), and counselling in matters arising out of complex real estate, development, acquisition, financing, leasing and land use. We pride ourselves on preserving and adding value to your business with our ability to advise not only on mainstream commercial property disputes, but also in respect to niche areas, often acting in cases which shape the law or create new legislation.

In addition to up-to-date real estate litigation experience, we are experienced in the full range of dispute resolution methods helping to meet clients' needs with alternative means of resolving real estate disputes, including mediation.

Our global real estate disputes team advises clients in the UK, the U.S., Germany, the Middle East, Hong Kong SAR, and Singapore. For more than a decade, we have been independently ranked as the No. 1 real estate disputes practice by the two leading legal directories, Legal 500 UK and Chambers & Partners UK.

We advise clients in virtually every type of real estate litigation or ADR matter, including:

- Real Estate Partnership/Joint Ventures/Private Equity
- Development and Acquisition

- Real Estate Finance
- Land Use, including Rights of Light and other development constraints
- Zoning/Planning Control
- Complex Commercial Leases
- Infrastructure/Major Projects
- Real Estate Insurance
- Real Estate Insolvency
- Eminent Domain and Condemnation
- Management disputes
- Leasing/asset management
- Hotel, Arena and Leisure
- Environmental/Toxic Tort Litigation
- Professional Negligence
- Telecommunications

Our work is delivered efficiently and with cost predictability through the considered development of the best resources and technologies, using Artificial Intelligence and other emerging technologies where appropriate.

OUR EXPERIENCE

Intervention in a Supreme Court Business Rates Case Overturning a Court Of Appeal Decision

Location: Nationwide UK

Successfully intervened in the case of *Newbigin v Monk* on behalf of the British Property Federation and Ratepayers Association, in which the Supreme Court overturned the Court of Appeal decision, ruling that a commercial building in the course of redevelopment does not have to be valued as if it were still usable. This case has had far-reaching ramifications, not only for developers, but also for urban regeneration and the public in general. This was ranked the "most important property case of 2017" by *Estates Gazette*.

Representation of Real Estate Joint Venture/Private Equity in Litigation

Location: U.S.

Represent members of Real Estate Private Equity/ Joint Venture in litigation over property mismanagement, freeze-out merger, and breach of fiduciary duty by managing member in connection with major New York real estate portfolio.

Ground-Breaking Administration Case

Location: Nationwide UK

Successful representation of British Land, Hammerson, Intu and Land Securities in the landmark Court of Appeal decision that ordered Game, as tenant in administration, to pay as administration expenses all the rents due the landlord.

Representation of Hotel and Leisure Company in Breach of Contract

Location: U.S.

Represent a hotel company in breach of contract and fraud claims against franchisee and management company arising from false reporting of hotel occupancy and mismanagement under preferred guest program by hotel franchisee.

Appeal Against ATM Business Rates

Location: Nationwide UK

We acted for Tesco in the appeal against assessments for rating made by the Valuation Office Agency for ATM machines hosted by food stores, further to a decision by the Valuation Office that saw Tesco and other retailers burdened with retrospective rates liabilities and extra liabilities going forward. This case is being monitored by many retailers, for example concession areas in large department stores, who could be significantly impacted by the Court of Appeal decision.

Representation of Hotel and Leisure Company in Acquisitions

Location: U.S.

Represent Hotel company in connection with claims of breach of contract and letter of intent, exclusivity, and non-disclosure agreement in connection with acquisition of premier hotel and residential complex.

Advising on Several High-Risk, High-Value Regeneration Schemes, including:

- Wood Wharf development (mixed use scheme with over 3,300 homes and 2 million sq ft of office space in Canary Wharf, London);
- South Bank Centre development of Shell Centre site in central London;
- Paradise Circus development in Birmingham city centre; and
- Whiteley's shopping centre development near Bayswater, London.

Defeated Claims of Restrictive Covenant Issues for Electric Utility

Location: U.S.

Represented electric utility in defeating claim that construction of a major electric utility substation would violate a restrictive covenant in the chain of title barring noxious uses.

Successful Representation of Owners of Iconic Central London Skyscraper

Location: London, UK

Acting for Almacantar, the developer of the iconic City Point building, in successfully defending an interim injunction claim brought by its tenant concerning refurbishment of the building.

Successful Representation of State Economic Development Agency in Using Eminent Domain for New Construction

Location: U.S.

Represented state economic development agency in defeating constitutional and statutory challenges to the use of eminent domain to construct a new arena, apartment buildings and office buildings and, in a different case, a new campus for a private university.

Representation of Commercial Tenant in Lease Terms

Location: U.S.

Represented commercial tenant operating restaurant and entertainment facility in Casino and Hotel over permitted use, quiet enjoyment, and lease term options.

Representation of Real Estate Developer in Construction Litigation

Location: U.S.

Represented real estate developer in connection with litigation arising from real estate assemblage and development and construction of New York hotel and residential building.

Representation of Sports and Entertainment Venue in Dispute RE Breach of Lease

Location: U.S.

Represented one of the world's premier sports and entertainment venue management companies in dispute with sports team and municipality over breach of lease for use of arena/facility for home games.

Representation of Management/Real Estate Partnership, Joint Venture, Private Equity in Litigation

Location: U.S.

Represent major real estate investment, management and development company in Los Angeles in litigation with one of its LLC members. The cases involve disputes over ownership interests in various LLCs and partnerships and management of one of the office building in which the investor holds an interest.

Representation of The Regional Authority of Public Transit in a Major Infrastructure Project

Location: U.S.

Acted as counsel for the Regional Transportation District in a three-panel-member three-week arbitration against a design/build contractor on delay and damage claims relating to RTD's contract for the construction of a 13-mile commuter rail project.

Successful Representation of Commercial Landlord in Complex Commercial Lease Case

Location: U.S.

Represented real estate investment company in federal court in a dispute arising out of a restrictive use covenant in an antiquated shopping center lease inherited by Landlord client. We prevailed in obtaining an order denying entry of a preliminary injunction and prevailed in the Tenth Circuit obtaining an affirmance of that order. We then won a summary judgment and finally settled the case under an arrangement where the plaintiff is to pay Landlord a portion of its attorney fees.

Successful Negotiation of an Eminent Domain Matter for Telecommunications Client

Location: U.S.

In an eminent domain proceeding brought by the Colorado Department of Transportation, on behalf of a telecommunications client, we successfully negotiated an amendment to the condemnation petition and entry of a rule and order providing that the highway department condemnation shall not impact any right of way, utility lines, or other interest the client may have in the subject property.

Related capabilities

Litigation & Dispute Resolution

Real Estate

"The team are measured, organised and thorough. They have the expertise to handle difficult cases"

Chambers 2025

"[They have] solid technical knowledge. The practitioners are also commercially-minded and have excellent personal skills"

Chambers 2025

"They listen attentively to our needs, tailor their solutions to meet our objectives and always strive to exceed our expectations"

Legal 500 2025

"Enquiries are dealt with almost immediately allowing our firm to plan, strategise and implement deals on that basis. We would not proceed on ANY

matter without consultation first. Truly exceptional."

Legal 500 2025

Discover our latest News & Insights

Insights

Apr 16, 2025

Are you ready for Martyn's Law?

The Terrorism (Protection of Premises) Act received Royal Assent on 3 April 2025 and is expected to be implemented within the next 24 months. There will be no legal requirement to comply until the legislation comes into force, and the Home Office will publish statutory guidance on compliance during the 24-month implementation period. The Act will strengthen the security of many publicly accessible premises (with a focus on retail, hospitality, entertainment and leisure venues). Those in control of relevant premises will be required to take steps to reduce the risk of physical harm to individuals in the event of a terrorist attack.

Awards

Apr 03, 2025

BCLP Managing Partner Heather Boelens Named to ColoradoBiz 2025 Power List

News

Mar 31, 2025

BCLP advise GPE on acquisition of West End HQ development opportunity

Insights

Mar 25, 2025

Briefcase 2025 Quarter 1: Key Real Estate Cases and Updates

Insights

Jan 23, 2025

On your radar? 10 real estate risk areas to watch in 2025

As we look ahead to 2025, several key areas within the real estate sector are poised to see an uptick in disputes. This report outlines ten pressing issues that property owners, occupiers, developers and investors should be aware of.

Insights

Dec 19, 2024

Briefcase 2024 Quarter 4: Key Real Estate Cases and Updates

Insights

Nov 18, 2024

The High Street is feeling the love... or is it?

It's "Love your High Street Week"! So, what better way to start the week than to consider two significant legal reforms announced by the government last week, that are intended to boost and revitalise the High Street: Legislation was introduced to Parliament that will, for the first time, permanently cut business rates for qualifying retail, hospitality and leisure (RHL) properties from 2026 (and in the meantime, 250,000 RHL properties will receive 40% relief off business rates bills up to £110,000 per business to help smooth the transition to the new system); and High Street Rental Auctions powers will come into force on 2 December following the laying of secondary

legislation last week, that will give businesses and community groups a 'right to rent' long-neglected town-centre commercial properties.

Insights

Sep 30, 2024

Briefcase 2024 Quarter 3: Key Real Estate Cases and Updates

Insights

Sep 12, 2024

Business rates and the Bar - occupation, purpose and trust in a set of chambers

In the recent case of *Prosser v Ricketts* [2024] UKUT 264 (LC), the Upper Tribunal Lands Chamber (UT) had to decide whether barristers' chambers rooms should be treated as a collective, single unit for business rates purposes, or whether each individual room, occupied exclusively by an individual member of chambers, should be assessed separately, potentially qualifying for small business rates relief.

Meet our sector leaders



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