

ALLEN & OVERY

Real Estate Litigation Team

Services for Corporate Occupiers

Our dedicated real estate litigation team works closely with lawyers in our real estate, planning, construction and environmental practices to advise on the full range of issues that are of both strategic and operational importance to corporates with regard to their real estate holdings.

Where we can assist



Occupancy issues

- Service charges
- Rent reviews
- Landlord consents



Neighbour disputes

- Rights of light
- Access issues
- Noise/nuisance



Lease expiries

- Renewals
- Exit strategies
- Dilapidations

Our approach

Where property is involved, there is often more at stake than just money. First and foremost, we ensure that we really understand what our clients are wanting or needing to achieve. Property law, and landlord and tenant in particular, is complex and we can often turn that to our advantage. By applying a close eye for detail, real technical excellence together with a big dose of pragmatism we deliver innovative and commercial solutions. Sometimes that may involve vigorously pursuing some form of proceedings (maybe where declaratory or injunctive relief is required) but much more often the solution involves using our skill at applying the law and tactical nous to avoid lengthy and expensive litigation.

Our experience

A representative list of our recent experience includes advising:

A major retailer

with locations across the UK providing strategic and tactical advice to successfully fend off a threat to all of its core trading sites and consequently its entire business. Some years after a sale and leaseback transaction involving the sites, a major competitor acquired the freeholds and sought to use its position as landlord (and the threat of forfeiture) to commercial advantage.

Hiscox

in a reported case where we successfully obtained a number of interim injunctions to restrain the neighbouring developer from creating nuisance through demolition works which were severely affecting our client's London Headquarters.

Two major institutions based at Canary Wharf

on proposed headquarter relocations. We have been involved since the earliest stages in advising on strategy to minimise dilapidations liabilities on exit of existing space.

A freehold owner

of a central London office block in several rights of light disputes with neighbouring developers, resulting in a number of very satisfactory financial settlements.

A corporate tenant

on a rent review dispute concerning the correct interpretation of the assumptions on review resulting in a referral to a QC acting as independent expert and a successful outcome.

A hotel company

in central London where the landlord's ability to absolutely refuse consent to alterations was jeopardising the future viability of the business.

A network provider

to obtain compulsory purchase rights under a previously untested section of the Telecoms Code to run its cables under a canal to enable it to complete the network. The dispute went through arbitration and the High Court, ultimately succeeding in the Court of Appeal.

A major property fund (as landlord)

in successfully defending, in the Court of Appeal, a tenant's claim for recovery of rent for the period after the expiry of a break notice in its lease. This is regarded as a leading case on landlord and tenant law and has attracted considerable publicity in the property and legal press.

Key contact



Jane Fox-Edwards

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Our specialist real estate litigation team is led by Jane Fox-Edwards. For 25 years, Jane has been looking after the interests of corporate occupiers, property investors, developers, retailers, lenders and others on a full spectrum of contentious or potentially contentious property issues, often at a strategic level.

Jane's experience includes

- Landlord and tenant related disputes (whether lease breach, rent reviews, dilapidations, service charge disputes or renewals);
- Issues with the use of land, such as rights of way, trespass (including removal of squatters), enforcement of restrictive covenants or nuisance claims; and
- Development issues, including disputes over overage and site clearance and assembly.

Jane joined A&O in 2013 from Lawrence Graham where she was a partner successfully leading its real estate litigation team for many years. She currently sits on the Commercial Committee of the BPF and is a member of Arbrix, the rent review arbitrators club. Jane is recognised as a leading individual in her field by Legal 500 and Chambers UK.

“a seriously bright lady who is enthusiastic for the law”

Chambers 2013

The “sharp” and “highly respected” Jane Fox-Edwards

Legal 500 2012