

OPEN FOR BUSINESS

As a business we have plans in place to cope in difficult times – be that terrorism, fraud, software hacks, or a pandemic.

Unfortunately the world doesn't stop whilst these things take shape, and some of you are in the middle of transactions that cannot stop. We want to take away the added stress of not knowing whether or not we will carry on providing a service for you. We can, and we will.

We are pleased to confirm we have re-opened our offices (in full compliance with government and health and safety guidelines) and some but not all of our team will work from the office and or remotely.

Landlords must consider with care an application for consent to tenant alterations

DUVAL V 11-13 RANDOLPH CRESCENT LTD

By Frances Merifield

The unanimous Supreme Court judgement on 6 May 2020 approves the earlier decision of the Court of Appeal and means that, on a practical level, when asked to consent to tenant alterations, a landlord will need to carefully check whether the lease contains the following:

- an absolute prohibition on the type of works proposed
- obligations for other leases to be granted on similar terms and for the landlord to enforce tenant covenants for the mutual benefit of all other tenants in the block/building.

A distinction was made in the case because some alterations could be done with landlord's consent under a qualified covenant (clause 2.6) and some alterations were not permitted at all and were subject to an absolute covenant/prohibition (under clause 2.7). In addition the works proposed

were major works which involved removing a substantial part of a load bearing wall at basement level.

Each lease also contained a provision that every lease of a residential unit in the building would contain similar covenants and that the landlord would enforce certain covenants in the leases. These provisions created a contract as between the landlord and the other tenants.

It was held that the landlord could not consent without the agreement of all the other flat tenants and the tenant who brought the case was entitled to require the landlord to enforce the absolute covenant in clause 2.7.



For more information on Commercial and Residential Property contact:

Fran Merifield
Senior Associate Solicitor

We are now Barking Mad

By Peter Brown

Pleased to announce that Peter Brown & Co acted for Lindhill who procured the grant of an airspace development lease to a pension fund, completed a forward funding development agreement, and, entered into a building contract for the erection, design and construction of the development. For more details, please [click](#) on the link to the Evening Standard article:

www.standard.co.uk/business/investor-agrees-to-fund-new-rental-homes-scheme-in-barking-a4439641.html?amp

Peter Brown confirmed that:

“ This was a complex and convoluted transaction requiring a top legal team within our firm. This was a logistical challenge, necessitating coordination with a London Borough, as land owner, who employed three separate firms of lawyers handling different aspects of the project, a cinema operator, a pension fund, as ultimate buyers, plus their legal and professional teams. In the latter stages, the professional teams wrestled with time differences working with parties in Ireland, England, Costa Rica, USA, and, Dubai. ”



Peter Brown
Consultant



PROPERTY MATTERS

Covid-19 - moving home

By Daniel Man

As of 13th May 2020, the Government restrictions on moving home were lifted.

This means that if you want to move, you can do so, whilst adhering to social distancing and other protective measures to keep safe.

Of course, all vulnerable people and people who are shielding can also move, but only if it is safe to do so.

REMEMBER:

Removals ✓

If you are moving and need to book removers, then this should be done as early as possible. Removers should have new procedures for moving you safely and keeping 2 metres apart.

Flexibility ✓

Prepare to be flexible, especially if someone becomes ill due to the virus and has to self-isolate. If this happens, that is likely to cause a delay. You will need to speak to your solicitor about the best ways in which you can be protected if your transaction is delayed because of the coronavirus.

Viewings ✓

Estate agents should have new procedures in place to allow for virtual viewings. If that is not possible, then consider vacating the property whilst viewings are carried out or limiting the number of people who view your home.

Government guidance can be found here:

<https://www.gov.uk/guidance/government-advice-on-home-moving-during-the-coronavirus-covid-19-outbreak>



For more information on Residential Conveyancing contact:

Daniel Man
Senior Associate Solicitor

Wills and Powers of Attorney

By Mike Harding

Not much of an uplifting blog given the background of Covid 19 but I have been considering putting my affairs in order and would advise others to do the same. It is very important for most people that they have a will and consider a lasting power of attorney to ensure loved ones have the practical means to make decisions on your behalf in the event you cannot.

Firstly a will is vital – if you die without one your estate is divided under statutory provisions which you may not have wanted. Broadly if you die intestate (without a valid will) certain amounts go to different classes of beneficiaries. So for example if you have children only the first £270,000 pass to your spouse with your children getting half of the balance. For many people that is not what they would want. A will ensures your estate passes to those you prioritise. It can of course also be structured to ensure maximum Inheritance Tax advantage. Please also remember if you get married then your current will becomes invalid.

A large proportion of the population have not made or have not recently reviewed their Wills.

Many more have not considered the need of having Lasting Powers of Attorney in place. If you refer to our Wills and Probate page you will see a simple explanation as to why such Powers of Attorney are necessary.

Both Wills and Lasting Powers of Attorney are not just for the extremely wealthy or businessmen and women, but are a means for every day families to avoid unnecessary difficulties in the future, particularly when something occurs unexpectedly.

Our Private Client department headed by Mike Harding who is experienced in advising on these matters and is readily available to speak to you.



For more information on Probate, Wills and Powers of Attorney contact:

Mike Harding
Consultant Solicitor

A COMMERCIAL TENANT'S GUIDE TO COVID 19

By Paul Braham

We act for many tenants who are currently unable to physically use their premises, but remain on the hook for payment of rent, service charge and even business rates.

To read Paul's blog on tenant's issues on commercial leases during Covid 19 please



For more information on Commercial Property Transactions contact:

Paul Braham
Managing Partner



Disclaimer:
This newsletter has been written to give general guidance on key issues but does not constitute legal advice and cannot be relied on; should you require our assistance we are happy to provide advice.



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