

Insights

## BRIEFCASE 2023 QUARTER 3: KEY REAL ESTATE CASES AND UPDATES

Sep 29, 2023



*Vodafone Ltd v Potting Shed Bar & Gardens Ltd (formerly Gencomp (No. 7) Ltd) & AP Wireless II (UK) Ltd*

### COURT OF APPEAL CLOSES A WORRYING LOOPHOLE IN THE TELECOMS CODE (OR HAS IT?)

The Court of Appeal overturned the Upper Tribunal, adopting a purposive approach to Telecoms Code construction in the context of a concurrent leasehold interest.

[Read why this is important >](#)



*Great Jackson St Estates Ltd v Manchester City Council*

### UPPER TRIBUNAL REFUSES TO MODIFY RESTRICTIVE COVENANTS TO PERMIT DEVELOPMENT

The Upper Tribunal considered an application to modify restrictive covenants that prevented a residential development without landlord's consent.

[Read more about \*Great Jackson St Estates Ltd v Manchester City Council\* >](#)



*BMW (UK) Ltd v K Group Holdings Ltd*

## **OWNER OCCUPATION BREAK CLAUSE AND RENT ON THE AGENDA IN A 1954 ACT LEASE RENEWAL**

BMW applied to renew the leases of its flagship showroom premises at 70 Park Lane in London. The two key issues in dispute were (1) whether the new lease of the central unit should contain a landlord's break right and (2) the level of rent payable.

[Read why \*BMW \(UK\) Ltd v K Group Holdings Ltd\* is important >](#)

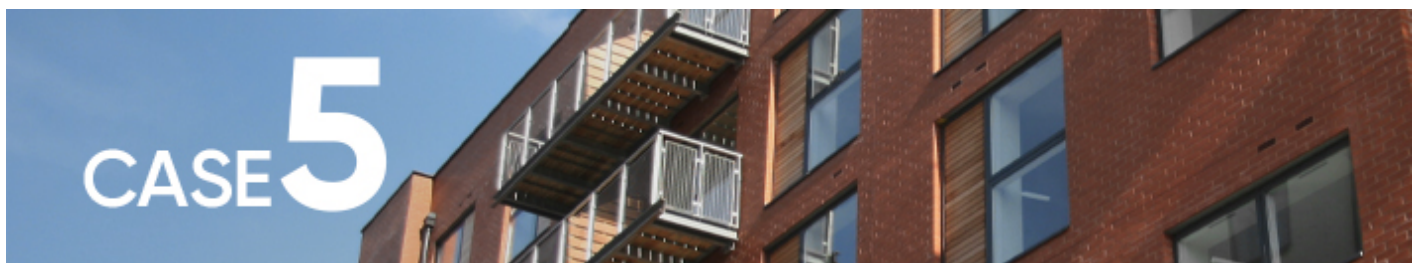


*John E. Griggs & Sons Limited v High Firs Penthouses Limited*

## **LEFT OUT IN THE COLD - FREEZING INJUNCTIONS ARE NOT TO BE GRANTED LIGHTLY**

Even armed with judgment in their favour, Claimants should not assume that freezing injunctions will be granted if the evidence does not meet the key tests of (1) dissipation risk and (2) a just and convenient outcome.

[Read more on why this is important >](#)



## **TRIBUNAL GRANTS FIRST BUILDING SAFETY ACT REMEDIATION ORDER**

To secure a Remediation Order under the Building Safety Act 2022, tenants of relevant buildings need only establish a “coherent initial case” that there are relevant defects causing a building safety risk to enable the Tribunal to then consider, by reference to all the evidence, whether to make a Remediation Order and its terms.

[Read why \*Waite and Others v Kedai Limited\* is important >](#)

### **RELATED PRACTICE AREAS**

- Real Estate
- Real Estate Disputes
- Real Estate Sector

## MEET THE TEAM



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