How Service Charges can impact on Dilapidations claims

2 December 2019

There is a common misconception amongst dilapidations practitioners that service charge issues do not impact on dilapidations claims, which couldn’t be further from the truth as lease-end dilapidations claims and service charge disputes often go hand in hand.

Good examples include intermediate landlords seeking to recover the common parts element of a superior landlord’s dilapidations claim (often c. 50% of the claim) from their sub-tenant via the service charge.

Significant excess service charge demands can be served on unsuspecting tenants shortly before lease-end that may be enforceable or non-enforceable depending on the lease obligations, timing and approach adopted by the parties.

- Can a dilapidations settlement with the superior landlord be recovered through the service charge?
- If the sub-tenants remain in occupation after lease end, how is the superior landlord’s claim affected by their ability to also recover under the service charge?
- What potential service charge strategies should be put in place by landlords, tenants and subtenants?
- Can excess service charge demands be challenged?
- Should landlords ever consider bypassing the head lessee to strike deals over dilapidations, service charge and continuing occupation directly with the subtenant?
- Timing - when is it best to act?
- If there is a service charge in place why are there any dilapidations at all?
- How simple planned preventative maintenance can help or hinder.
- How Fluor Daniels may impact on the recoverability of a landlord’s works carried out shortly before the end of a lease.

Speakers:

Peter Forrester, Chair of the RICS Service Charge steering group and the lead author of the RICS Code of Practice for Service charges in commercial property, is widely recognised as one of the leading authorities in UK commercial service charges.

Nic Taggart, Barrister with Landmark Chambers is principally a specialist in commercial property law, Nic has been acknowledged by both Chambers & Partners and Legal 500 as a top-tier “leading junior” in real estate litigation for over ten years. Nic is a qualified arbitrator and also acts frequently as a legal assessor or as an independent expert in property and property related insurance disputes.

Location: Landmark Chambers – 180 Fleet Street London EC4A 2HG
Date: 2 December 2019
Time: Welcome drinks – 6.00 to 6.30 pm, seminar 6.30 to 8.00pm, networking 8.00 pm onwards
Cost: Free to members. Non-members welcome at a cost of £30.00. To join the association at a cost of £50.00 pa please email the association as below for a membership form.
RSVP: admin@dilapidationsassociation.com