

Problem Areas in Enfranchisement and Lease Extension

An in depth look at the more difficult issues in enfranchisement and lease extension

18 November 2010, London

“The conference will address the major problems either being highlighted in the courts, or which are being experienced in practice. Use the guidance from the team of expert practitioners to give clear and accurate advice to your client”

Book via our website:
www.clt.co.uk



www.clt.co.uk

9.00 Registration and Coffee

9.30 Chairman's Welcome and Introduction

James Driscoll, Solicitor

9.45 Legal Issues Arising Under the 1993 Act

- The impact of *Aggio* - a case study
- Update on cases relating to Notices
- *Earl Cadogan and anor v Panagopolous and anor 2010*
- How to avoid a deemed withdrawal

Natasha Rees, Forsters

10.45 Coffee

11.00 Valuation: Some Practical Points

- Update on deferment rates
 - Possible re-run of *Sportelli* case
 - Sub 20 year leases
 - *Kelton Court*
- Update on relativity
 - RICS Research paper
 - PCL and non PCL areas
- Collective enfranchisement vs lease extension - from a practical point of view
- Valuation of a headleaseholder's share of premium. How much should they receive?
- To extend a lease now or delay in anticipation of house price falls?
- Leaseholders who applied and then withdrew their claims in 2008 and 2009 - how have they fared?
- Brief general market update

Angus Fanshawe, Fanshawe White

11.50 Legal Issues Affecting Valuation

- Revision of case law on statutory valuation
- Recurrent issues
- Recent developments, including *Klaasmeyer* and the value of the "Escalator Lease"

Philip Rainey QC, Tanfield Chambers

12.45 Questions

1.00 Lunch

2.00 House Enfranchisement Claims

- What is a "house"
- Business tenancies
- Is there a residence test?
- How to make a claim
- The valuation principles

Damian Greenish, Pemberton Greenish LLP

3.00 Tea

3.15 The Landlord's Perspective

- Accepting a claim
- Frustrating a claim
- Non-participating tenants
- Extracting value

Samantha Bone, Wallace LLP

4.00 Case Study: Some Common Pitfalls

Examining a fictional collective enfranchisement claim to consider the following points:

- Formalities of notices
- Service of notices where multiple freeholders
- Need for registration
- Permissible and impermissible disposals after initial notice has been registered
- Marriage value arising out of the ability to alter the terms of leases of participating tenants
- Terms of the transfer

Piers Harrison, 33 Bedford Row

4.45 Chairman's Concluding Remarks and Questions

5.00 Conference Close

Problem Areas in Enfranchisement and Lease Extension

Leasehold enfranchisement and lease extension claims continue to be a fruitful source of work for lawyers, but such claims need particular skill involving as they do complex issues of valuation, management and legal analysis. The complexity is highlighted by the number of recent reported cases, highlighting the problems for both landlords and tenants. It is essential for practitioners to keep up to date with the latest law and practice. This conference brings together leading experts in the field to give practical guidance on the impact of the recent changes.

Chairman:

Professor James Driscoll is a solicitor, an author and a Lawyer Chair of the Residential Property Tribunal. For 20 years he was a consultant solicitor with Trowers & Hamlin specialising in housing law. A prolific author of books and articles, he is the Consultant Editor to *Butterworths Residential Landlord and Tenant Handbook* (5th ed, 2010), to *Halsbury's Laws* (vol 22 'Housing') and several other books and loose-leaf works. James is a consultant editor to the *Landlord and Tenant Reports* and he contributes articles to the *Estates Gazette*, the *New Law Journal* and other publications. He is also a well-known speaker at conferences on housing and property law and he has held several academic positions in England and the USA. He is currently a Visiting Fellow at Essex University. James has contributed to *Enfranchisement Explained* (RICS).

Speakers:

Samantha Bone is the joint head of the Leasehold Enfranchisement Department at Wallace LLP. She specialises in leasehold enfranchisement and property related litigation. Samantha represents a wide range of clients including the Freshwater Group of Companies (one of London's largest private landlords) and has been involved in a number of significant leasehold enfranchisement cases in recent years.

Damian Greenish is senior partner of Pemberton Greenish LLP where he specialises in residential landlord and tenant. He is a trustee of the Sloane Stanley Estate, a mixed-use landed estate in west Chelsea. He has been advising both landlords and tenants in enfranchisement matters for over 30 years and has been involved in the majority of the recent high profile court cases in this sector. As a co-editor of the fifth edition of *Hague on Leasehold Enfranchisement*, he is recognised as a leading authority in the complex area of enfranchisement. His firm has won London Solicitor of the Year at the Enfranchisement Awards for the last two years. He has recently been appointed Honorary President of the Association of Leasehold Enfranchisement Practitioners (ALEP).

Piers Harrison is a member of 33 Bedford Row where his property practice covers all areas of property law and clients include property development companies, local authorities, government agencies and private companies and individuals. He has a particular interest in leasehold enfranchisement. He is editor of the leasehold enfranchisement section of the well-respected PropertyLawUK website and also maintains a monthly e-mail update specifically focusing on leasehold enfranchisement.

Philip Rainey QC is head of the property group at Tanfield Chambers. Philip was Barrister of the Year at the Enfranchisement Awards 2009 and Real Property Junior of the Year at the *Chambers & Partners Bar Awards* 2009, before taking Silk in 2010. Within a broader practice in real property litigation, he specialises in leasehold enfranchisement, rights of first refusal and right to manage, as well as service charge disputes. He has appeared as counsel in a number of leading cases in enfranchisement, including *Howard de Walden v Aggio*, *Cadogan v Sportelli* and *Nailrile v Cadogan*. Philip is a co-author of *Service Charges and Management: Law and Practice* and speaks regularly at conferences and seminars on enfranchisement and other landlord & tenant issues.

Natasha Rees is a property litigation partner at Forsters LLP specialising in all aspects of commercial and residential property litigation with particular expertise in leasehold enfranchisement. Natasha advises and acts for a number of settled estates, charities, commercial landlords and management companies in London in relation to their residential property litigation work. She also acts for both landlords and tenants in relation to enfranchisement claims and enfranchisement related litigation and has been involved in a number of leading cases in this area. She acted for Les Aggio in the recent appeal to the House of Lords on the issue of qualifying tenants under the 1993 Act and also acted for Mr and Mrs Sportelli in the various appeals relating to the deferment rate. She is on the contributory board of the *Property Law Journal* and speaks regularly on leasehold enfranchisement issues.

6 Hours CPD

For further details of

CLT Membership Schemes

please contact:

The Membership Team
on 0121 362 7705

**CPD Accredited by
The Solicitors
Regulation Authority,
Bar Standards Board,
ILEX, ICSA, CIOT, IPA,
RICS, ICAEW, CIMA,
CIPFA, CLC, ACCA
and STEP.**



6 easy ways to book:

✉ **Please return to:** The Registrar, CLT Conferences, Wrens Court, 52-54 Victoria Road, Sutton Coldfield, Birmingham B72 1SX

DX: 708700 Sutton Coldfield

☎ **Tel:** 0121 355 0900 (ask for Registrar)

📠 **Fax:** 0121 355 5517

✉ **Email:** registrar@centlaw.com

📖 **Book via our website at www.clt.co.uk**

CF79863

Please quote this reference number when booking

Problem Areas in Enfranchisement and Lease Extension 18 November 2010, London

Title: Surname:	
First Name:	
Employer's Name:	
Employer's Address:	
Postcode:	
Delegate's Email Address:	
DX No:	
Contact Tel:	Fax:
Special Requirements:	

Fees

I enclose a cheque made payable to CLT for £ (Including VAT)

Please tick:

£395 + VAT
CLT Members

£495 + VAT
Non Members

The fee includes refreshments, lunch, administration and documentation

Conference Documentation

If you are unable to attend the conference but would like to order the documentation please tick here and simply forward a cheque for £95 (zero VAT) and fill in the form to the left.

For overseas orders please add £10 for postage and packaging.

Terms and Conditions

- Confirmation of your booking will be sent by email or post within 2 days of receipt. A VAT invoice will be sent separately to your accounts department at the end of the month and is payable within 21 days of receipt. Conference Documentation is distributed at the time of the event.
- Central Law Training Ltd reserves the right to vary or cancel a conference where the occasion necessitates. CLT accept no liability if, for whatever reason, the conference does not take place.
- Prices may be subject to change.
- Full invoice payable within 21 days of receipt unless:- a) Cancellation: provided written notice is received at least 10 working days before the event, the fee will be credited less a £25 (+VAT) administration charge. b) Transfer: in the event of a transfer to another date or event, an administration charge of £25 (+ VAT) will be levied. This cannot be done after the date of the conference. c) Credits may be used for other products or services and refunds available on request. Unused credits may be used up to a period of 12 months.
- This booking form constitutes a legally binding contract. The delegate and employer are jointly and severally liable for payment of all the fees due to CLT. To the extent permitted by law, neither Central Law Training Limited nor its presenters will be liable by reason of breach of contract, negligence or otherwise for any loss or consequential loss occasioned to any person acting, omitting to act or refraining from acting in reliance upon the conference material or presentation of the conference or, except to the extent that any such loss does not exceed the price of the conference, arising from or connected with any error or omission in the conference material or presentation of the conference. Consequential loss shall be deemed to include, but is not limited to, any loss of profits or anticipated profits, damage to reputation or goodwill, loss of business or anticipated business, damages, costs, expenses incurred or payable to any third party or any other indirect or consequential losses.
- Continuing Professional Development and Continuing Professional Education. Hours or points may be claimed as indicated from the following professional bodies: The Solicitors Regulation Authority, Bar Standards Board, ILEX, ICSA, CIOT, IPA, RICS, ICAEW, CIMA, CIPFA, CLC, ACCA and STEP.
- Data Protection: Central Law Training may periodically contact you with details of programmes and services that may be of interest to you and may pass your details to other companies within the CLT Group and selected clients. Please write to the Client Care Team if you do not wish to be included in this activity.