

Residential Leasehold Management - Overcoming the Legal Challenges

Maximise return and minimise problems by effective management

28 March 2011, London

6 Hours CPD

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



www.clt.co.uk

Attend this conference to make sure you can give accurate and cost effective advice to your clients



9.00 Registration and Coffee

9.30 Chairman's Welcome and Introduction

Professor James Driscoll, Solicitor

9.45 Leasehold Management The Future

- Recent changes in the sector
- Impact on residential service charges, enforcement, practical management problems
- What landlords and lessees might now get up to

Andrew McKeer, ARMA Council Member

10.30 Managing Leaseholds: An Overview of the Legislation

- Regulation of service charges under the Landlord and Tenant Act 1985
- Rights of first refusal under Part I Landlord and Tenant Act 1987
- Right to apply to the tribunal for the appointment of a manager under Part 2 of the 1987 Act
- Compulsory acquisition of the landlord's interest (Part 3 of the 1987 Act)
- Variation of leases (Part 4 of the 1987 Act)
- Service charges to be held on trust (Part 5 of the 1987 Act)
- Other statutory requirements (1985 and 1987 Acts)
- Amendments under Part 2 of the Commonhold and Leasehold Reform Act 2002
- Further amendments under Part 3 of the Housing and Regeneration Act 2008

Professor James Driscoll, Solicitor

11.15 Coffee

11.30 Service Charges: Interpretation of the Lease and the Statutory Consultative Procedures

- General guidance on the interpretation of leases
- How to know what service charges your lease will cover, in particular, legal costs, reserve and sinking funds and the effectiveness of sweep up clauses
- Understanding the service charge mechanism in the lease
- What consultation applies and when
- What is needed to properly consult
- What to do if things go wrong with consultation

Daniel Dovar, 33 Bedford Row

12.15 Using the Leasehold Valuation Tribunal

- Jurisdiction and changes to the tribunal service
- Proper preparation - the dos and don'ts
- Use of expert evidence
- Costs

Andrew Lane, Hardwicke

1.00 Questions

1.15 Lunch

2.15 The Right to Manage: The Cheaper and Simpler Alternative to Enfranchisement?

- Is it a good idea - the advantages and disadvantages?
- Why exercise the right to manage rather than enfranchise?
- An outline of the procedure
- Issues which can arise

Nicola Muir, Hardwicke

3.00 Tea

3.15 Dealing with Faulty Leases: Getting Leases Varied and Applying to the Tribunal for a Manager to be Appointed

- Practice and procedure
- Pros and cons of these remedies
- Recent key cases including *Morgan v Fletcher* [2009] on variation of leases

John De Waal, Hardwicke

4.00 Leasehold Management: A Round up of Recent Court and Tribunal Decisions covering:

- Residential service charges
- Section 20 consultation requirements
- Qualifying long term agreements
- Leasehold reform and the right of first refusal
- Other key cases in the law of residential landlord and tenant

Anna Favre, Pemberton Greenish LLP

4.45 Chairman's Concluding Remarks and Questions

5.00 Conference Close

Residential Leasehold Management Overcoming the Legal Challenges

Legal advisers and managing agents need practical, up to date and focussed advice on the legal pitfalls which can arise in managing residential leasehold property.

This conference covers recent developments in statute and case law, and offers guidance on particular problem areas such as service charges, dealing with faulty leases and the right to manage.

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 & Hamlins specialising in housing law. A prolific author of books and articles, he is the Consultant Editor to *Butterworths Residential Landlord and Tenant Handbook*, 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* published by the RICS in 2010.

Speakers:

Daniel Dovar was called to the bar in 1997 and has developed a landlord and tenant/real property practice over the last 13 years. As well as advising and litigating, Daniel regularly lectures and provides seminars on property related matters. He is also co author of the popular book *Residential Possession Proceedings* (8th edition Sweet and Maxwell) and writes for journals such as the *Landlord and Tenant Review*, *Solicitors Journal* and the *New Law Journal*.

Anna Favre is a solicitor with Pemberton Greenish LLP. She is a recognised expert in the field of leasehold enfranchisement, acting for major London landed estates including Cadogan, Sloane Stanley and the Day Estates as well as a large number of tenants. Equally, she advises companies and high net worth individuals on all aspects of residential property law. Anna regularly presents at conferences and seminars, and has written for both the legal and general press on these specialist areas. She is a member of the Association of Leasehold Enfranchisement Practitioners.

Andrew Lane is recommended in both the *Legal 500* and *Chambers* where he is referred to as a "...a polished performer who is extremely persuasive on his feet." He is increasingly involved in residential landlord and tenant, particularly possession work, disrepair and dilapidations, service charges disputes and other LVT matters. He successfully acted for the Bar Pro Bono Unit on behalf of Mr Ruddy in the Court of Appeal authority of *Oakfern Properties Ltd v Desmond Ruddy* concerning the rights of sub-tenants under the service charge provisions of the Landlord & Tenant Act 1985.

Andrew McKeer is a former chairman of ARMA, two time award winner and current council member. He is disappointed to see LVT and LEASE amongst the kindling for the bonfire of quangos and is a strong advocate of training, qualifications and professionalism for individuals and regulation of managing agents.

Nicola Muir qualified as a solicitor in 1991 and was called to the Bar in 1998. Nicola specialises in all aspects of landlord and tenant law and real property. In recent years, Nicola has developed a particular expertise in Leasehold Valuation Tribunal work including enfranchisement claims and service charge disputes. As well as appearing before the Tribunal on numerous occasions, Nicola has given seminars to both solicitors and surveyors in relation to its practice and procedure as well as the legal aspects of such claims.

John de Waal is a barrister at Hardwicke and a specialist in property litigation. Since 2002 John has also been a part-time lawyer chair of the Midlands Leasehold Valuation Tribunal in which capacity he has heard and determined applications under the 1987 Act.

Conference Documentation

Full Conference Documentation may be purchased separately for those who are unable to attend this Conference.

For further details of

CLT Membership Schemes

please contact:

The Membership Team
on 0121 362 7705

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



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**

CF83007

Please quote this reference number when booking

Residential Leasehold Management Overcoming the Legal Challenges 28 March 2011, 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.