



## Top Tips for Commercial Property Disputes

Virtual Seminar - 21 September 2021		
£75 + VAT	Registration: 13.55 Finish: 15.45	1.45 CPD Hours
To book: <a href="https://cptevents.co.uk/event/top-tips-for-commercial-property-disputes">https://cptevents.co.uk/event/top-tips-for-commercial-property-disputes</a>		

For the commercial occupier, conducting disputes is always a distraction from core business – but may be unavoidable in the interests of that business. For landlords, it is an occasional fact of life. Those acting on behalf of landlords and tenants must engage, sometimes robustly, but should always be mindful of what may lie ahead if they fail to proactively steer negotiations away from the turmoil of third party interventions.

It is predicted the key areas of property disputes are likely to arise in;

1. Valuation issues may arise for 2020/2021 rent reviews
2. Tenants could try to use the 1954 Act to engineer lower renewal rents
3. Dilapidations claims could become trickier for landlords
4. Professional negligence claims will increase, especially on valuation matters
5. Joint venture development disputes could become more likely

Effective preparation is key, not just to the outcome of the dispute itself, but also to avoiding dispute in the first place, in the negotiation and detailed terms of deals. Has thought been given to how any dispute will be resolved? The array of dispute resolution methods available can appear baffling, but each offers different options as regards expense, delay, technicality and quality of decision.

As we leave the COVID lockdown world, we appear to be heading back into a world of disputes and litigation.

For the adviser who may be called upon to give evidence, as an expert witness or otherwise, the process is likely to be unfamiliar and stressful, but even the experienced witness will benefit from practical insights on everything from how to set out one's evidence to working as part of a team with the lawyers, and even demeanour at a hearing. There is a glow of satisfaction to be had from the remark "I found [X] to be a reliable witness", and this webinar will give you the tools to help you earn it.

### Speakers:

#### **Mark Shelton**

Commercial Property Management Law Trainer

#### **Adrian Wilson**

London Capital Markets & Development, Knight Frank

#### **Nick Powell**

Lease Advisory, Bluebook London

#### **Janet Bignell QC**

Barrister, Falcon Chambers



## Topics Being Covered:

### **Avoiding Disputes**

- Strategies for avoiding disputes
- Can you get the deal over the line and signed?
- Why disputes happen
  - Wrong behaviours in negotiation that lead to disputes
  - Inherent defects in leases and agreed terms that can cause disputes
- Applying sufficient due diligence when reviewing proposed leases

### **Picking your Dispute Resolution Solution**

- When you have a choice, what should you choose and how to make it work?
  - Independent expert
  - Arbitration
  - PACT
  - First tier Tribunal referrals
- When you don't have a choice, how to make the most of the process
  - Applicable protocols
  - Other routes depending on the nature of the dispute - mediation

### **Dealing With and Presenting Expert Evidence**

- The basics:
  - Identifying the nature of the dispute
  - Understanding your role and duties
  - Fee arrangements
  - Laying the groundwork - The Statement of Agreed Facts
- The available types of evidence:
  - The hierarchy of weighting evidence
  - The credibility of witnesses
- Getting the Expert Report right - effective persuasion without advocacy
- Engaging with the other side's evidence - on paper and in court:
  - Pre-judging v Pre-empting
  - Common pitfalls
  - Replied
  - Making appropriate concessions
- The "reliable witness" - getting the court on-side:
  - How to avoid losing credibility

### **Panel Question and Answer Debate**