

PLA CONFERENCE 2024

MULTI-CHOICE SESSION

(11.45 – 12.45 and repeated 1.35 – 2.30)

Description of topics

Eyeing Injunctions And Dicing With Damages

Andrew Walker KC, *Maitland Chambers*

The remedies available in a property case might seem obvious, but are you making the most of the opportunities and dodging the beartraps? Do you realise the extent of the financial risks your infringing client might have just created for itself? And are you up to speed with the latest thinking and guidance on financial remedies, injunctions and declarations? With a mix of presentation and interactive scenarios, Andrew's aim will be to help you steer a path through the thickets of current and not so current case law, and to make the practical and legal choices likely to lead to the best available results for your clients.

You Wrote That?

Gary Blaker KC & Oberon Kwok, *Selborne Chambers*

A look at Practice Direction 57AC on trial witness statements and how to ensure that witness statements comply in cases in the Business and Property Courts

Three years on from the introduction of Practice Direction 57AC, this workshop will focus on identifying key trends in the courts' application of the PD, how to spot the pitfalls and the possible consequences of non-compliance. The workshop will include an interactive exercise to consider a non-compliant witness statement based on a statement Gary and Oberon had to deal with in a recent Chancery Division trial.

What Are My Options?

Paul de la Piquerie & Rahul Varma, *Selborne Chambers*

Land options can be central to development-related litigation. However - sitting at the juncture of contract law, property law, and equity - they are not always well understood. This workshop will identify the main forms of land option and address some of the common (and not so common) issues regarding their grant, protection, assignment, exercise and enforcement.

Must You Always Do Your Best?

Toby Watkin KC & Nic Taggart, *Landmark Chambers*

Best endeavours; reasonable endeavours; good faith and the duty to exercise discretions reasonably – where are we now?

Over a relatively short time, the law has moved from treating these concepts as being too uncertain to enforce, to treating them as potentially fundamental to the relationship of contracting parties. The practical difficulties they cause to those having to advise upon them are formidable. This interactive, problem-based seminar will review the current state of the law, and attempt to provide some useful guidance to practitioners who are faced with the inevitable question from their client: "Yes, but what must I actually do in these circumstances?"

Fail To Plan, Plan To Fail: Planning law in property disputes

Rebecca Sage & Harley Ronan, *Landmark Chambers*

Planning law has a significant impact on how property can be used, occupied and developed – but it is an area into which few property litigators venture. Join Harley Ronan and Rebecca Sage for a whistlestop tour of key planning law concepts and their application to issues commonly encountered in property litigation. The session will aim to provide attendees with a planning law toolkit to help practitioners identify when planning issues might arise and how to advise clients when they do. Particular focus will be given to the leasehold context where the need for planning permission, application of Use Classes and the prospect of planning enforcement can cause issues for both landlords and tenants.

Development Creep: Balancing developments with tenant rights

Daniel Dovar & Katie Gray, *Tanfield Chambers*

Landlords need to tread a tightrope when carrying out developments to properties subject to a demise. The talk will explore the tension between the rights of the parties. Notwithstanding a covenant for quiet enjoyment and concerns over derogation from grant, where the landlord has reserved themselves the right scaffold, to build or carry out works to adjoining premises, so long as they do the minimum necessary and provide sufficient warning and compensation to their tenant, they will be permitted to carry out the works. What will be sufficient is not always clear though, and the talk will discuss the various themes that arise from *Timothy Taylor Ltd v Mayfair House Corpn* [2016] 4 WLR 100 (Ch), *Goldmile Properties Ltd v Lechouritis* [2003] EWCA Civ 49 and *Century Properties Ltd v Almacantar (Centre Point) Ltd* [2014] EWHC 394 (Ch).