



PROPERTY CONFERENCE 2024

- 08:30 Registration and refreshments
- 09:00 Opening Session - Property Law Update: what is new in 2024?
- 09:30 Workshop Session 1 - choose between:

(1) BSA & limitation under the Defective Premises Act

The Building Safety Act 2023 extended the limitation period for claims under the Defective Premises Act 1972 to 30 years for work finished before 28.6.2022. This workshop will consider the prospects of further claims. It will also consider the extent of section 1(4)DPA which extends the duty under section 1(1) to those who 'arrange for another to take on work' and whether the CA decision in *BDW Trading Ltd v URS Corporation Ltd* [2023] EWCA Civ 772 provides any illumination of this issue.

Presented by [Nicholas Grundy](#) & [Tristan Salter](#)

or

(2) Modifying Property Rights

This workshop will consider several aspects of modifying proprietary rights, that affect developers and landlords. We will explore the potential arguments for modification of restrictive covenants affecting freehold land involving the public interest limb under Ground (aa) in section 84(1) of the Law of Property Act 1925, as well as looking to modify clauses in a lease using the doctrine of mistake and pursuant to section 35 Landlord and Tenant Act 1987

Presented by [Ben Maltz](#) & [Sonia Rai](#)

- 10:45 Break
- 11:00 Workshop Session 2 - choose between:

(3) Service Charge and leasehold management

This workshop will consider the issues relating to limitation and will take a focused look at a number of cases dealing with particularly tricky issues. This will include a look at the cases, amongst others, of *London Borough of Tower Hamlets v Lessees of Brewster House & Malting House* [2024] UKUT 193 (LC) concerning the interpretation of "maintenance" in a lease; *Howe Properties v Accent Housing Ltd* (2024) EWCA Civ 297 relating to the division/allocation of service charges between wider estates and assured tenants and leaseholders and *89 Holland Park (Management) Ltd v Dell & Dell* [2023] EWCA Civ



1460 dealing with the recoverability of legal and professional costs in service charges.

Presented by [David Mold](#), [Tiernan Fitzgibbon](#), [Joseph Mahon](#)

or

(4) Trusts, TOLATA and Equitable Accounting

Join us in this workshop to refresh and update your knowledge about the key equitable interests and main legal principles, as well as how to make and respond to TOLATA applications. We will also provide an authorities update and practical tips on equitable accounting, negotiation & preparation for trial.

Presented by [Angela Hall](#), [Jennifer Moate](#) & [Ben Leb](#)

12:15

Lunch

13:30

Workshop Session 3 - Choose between:

(5) Forfeiture & Waiver: Avoiding common pitfalls and looking into the future

This workshop will consider the vexed topic of forfeiture of residential and commercial leases, focussing on the most regularly encountered issues to ensure that clients can be assured of a positive outcome and marking the difference between waiver of obligations and waiver of the right to forfeit. The seminar will also discuss potential avenues for reform and where this will leave the leasehold sector in England and Wales.

Presented by [Michael Mullin](#), [Sam Phillips](#) & [Tristan Salter](#)

or

(6) Churchill v Merthyr Tydfil CBC: *the impact of the decision and future potential for non-court based ADR*

The case of *Churchill v Merthyr Tydfil CBC* [2023] EWCA Civ 1416 determined that the court has power to stay a claim either with or without the consent of the parties to engage in non-court based alternative dispute resolution. We will discuss what the Court of Appeal has said, the extent to which the case has impacted the industry over the last 12 months and discuss the way that it might be utilised by parties in the future.

Presented by [Elizabeth England](#) & [Felix Gibson](#)

14:30

Break



- 15:00 The Great Debate: should mandatory grounds of possession be abolished?
- Join in and act as the Judge as two teams battle it out over whether plans to abolish Section 21 Notices are a good thing for the private rented sector.
- 17:00 Networking & Drinks