

TOP PROPERTY TIPS

Anthony Collins Solicitors can support you with the legal issues surrounding property. Here are some of our top property tips.

Leases

- If a tenant has exclusive possession of a room or building, for a term more than six months, then it is likely to be a lease even if it is called a licence. You should take advice if in doubt.
- Even if a sharing arrangement is for only a few hours a day every week there is a risk that this could be construed as a lease, if in place for more than six months. You should take advice if in doubt.
- A licence should be for less than six months. Any longer and you are safer using a lease as it likely to be a lease.
- Sharing is best approached with caution and fully documented, or there can be unintended consequences in terms of rights granted and possibly even termination of your own lease if the sharing is unauthorised. You should also obtain landlord's consent if required.
- When taking a new property consider what information on the property you need to know. This will differ from a multi-use office space in a building to a single-use building or a development site.
- Exiting a property can be expensive and a surveyor's advice on dilapidations should be sought. Better still, make sure that the repair obligation is qualified by a Schedule of Condition from the outset, to limit your potential dilapidations costs.
- Seek legal advice on serving break notices. This is one of the most litigated areas of property law.

Buying and selling properties

- When buying you need to decide if you will use an option or agreement. This will depend on whether you require a contractual commitment or just an opportunity to buy which you may or may not take.
- Overage is an opportunity to share in any uplift in value on a property if you are selling to someone developing. Take advice from a surveyor on this.
- Be mindful if you're a charity, of the Charities Act 2011 requirements on disposals which includes granting leases, taking mortgages and dealing with connected persons. Depending on the transaction you may need a surveyor's advice.

Property relocation

- Plan well in advance.
- Consider the costs of terminating any existing lease or selling a property that you may have to fund the move and whether in fact you can terminate the lease.
- Consider the time strain on management of such a move as well as the effect on staff of moving.
- Consider what flexible working policies you have in place and what IT infrastructure you would need to manage it going forward.
- Work out how you will manage remote workers and quality monitor their work.
- To find out more about how we can support you and your properties, see the sector-specific parts of our website: charities, education, health and social care, housing, local government, and social business.

FOR MORE INFORMATION



Alex Tindall

Solicitor

Tel: 0121 214 3534

Email: alex.tindall@anthonicollins.com