

LEVEL 7 ASSESSMENT SPECIFICATION

Student name:	Richard Black	Student ID number:	1803287
Programme:	MSc Property and Facilities Management		
Module:	Property Law & Practice		
Module code:	M7X01812 L7 -	Contribution to Overall Module Assessment (%):	
Lecturer:	Rokib Uddin	Internal Verifier:	Chris House
Assignment Title:	Report Commercial surveyor	Word count (or equivalent):	3,000 words
Submission deadline:	Monday 11 th April Through Turnitin plus hard copy to be handed to tutor on the following Thursday	Return date of provisional marks & written feedback:	May 4 th 2019
Submission method:	All written assessments, where practical and possible, must be submitted via Turnitin unless otherwise instructed by the Lecturer. (Please DO NOT put this assessment specification into Turnitin or it will match many similarities with other students' submissions.) Alternative submission method (if applicable): Late submission of the assessment will result in a late penalty mark. Penalties for late submission: Up to one week late, maximum mark of 50%. Over one week late, 0%. Only the Extenuating Circumstances Panel may approve a change to submission dates.		
Academic honesty / referencing:	Academic honesty is required. In the main body of your submission you must give credit to authors on whose research and ideas your work is based. Append to your submission a reference list that indicates the books, articles, etc. that you have used, cited or quoted in order to complete this assessment.		

Module Learning Outcomes (from module syllabus)
On successful completion of this module students will be able to: - The module descriptor learning outcomes.

TASK DESCRIPTION

Construct a report that critically presents advice for the follow situation.

In your advice clearly stipulate and critique the procedures that are required for such advice (include figures, references etc.)

You are a commercial surveyor for a corporate landlord. One of your tenants, Fashion Retail Limited, is nearing the expiry of their lease. They have been in occupation for ten years. The rental market has developed since the last rent review conducted five years ago (2014). Fashion Retail is a good tenant, and ideally, you would like to retain them. However, you also want to redevelop the property to capitalise on the rising rents. Your consultant project manager advised it would not be practically feasible to redevelop with Fashion Retail in situ. Your managing director, who is not a lawyer or a commercial property professional, has asked you to provide advice on the relevant statutory procedure to end this business tenancy.

(Please outline your advice in no more than 3,000 words double spaced.)

GUIDANCE FOR STUDENTS IN THE COMPLETION OF TASKS

NOTE: The guidance offered below is linked to the five generic assessment criteria overleaf.

1. Engagement with Literature Skills

Your work must be informed and supported by scholarly material that is *relevant* to and *focused* on the task(s) set; you should make use of scholarly reviews and primary sources, as appropriate (for example, refereed research articles and/or original materials appropriate to the discipline). You should provide evidence that you have accessed a wide *range* of sources, which may be academic, governmental and industrial; these sources may include academic journal articles, textbooks, current news articles, organisational documents, and websites. You should consider the *credibility* of your sources; academic journals are normally highly credible sources while websites require careful consideration/selection and should be used sparingly. Any sources you use should be current and up-to-date, mostly published within the last five years or so, though seminal/important works in the field may be older. You must provide *evidence* of your research/own reading throughout your work, using correctly a suitable referencing system, including in-text citations in the main body of your work and a reference list at the end of your work.

2. Knowledge and Understanding Skills

At level 7, you should be able to demonstrate a systematic understanding of knowledge, and a critical awareness of current problems and/or new insights, much of which is at, or informed by, the forefront of your academic discipline, field of study or area of professional practice, with a comprehensive understanding of techniques applicable to your own research or advanced scholarship. Your work must demonstrate your growing mastery of these concepts, principles, current challenges, innovation and insights associated with the subject area. *Knowledge* relates to the facts, information and skills you have acquired through your learning. You demonstrate your *understanding* by interpreting the meaning of the facts and information (knowledge). This means that you need to select and include in your work the contemporary concepts, techniques, models, theories, etc. appropriate to the task(s) set. You should be able to explain the theories, concepts, etc. meaningfully to show your understanding. Your mark/grade will also depend upon the *extent* to which you demonstrate your knowledge and understanding; ideally each should be complete and detailed, with comprehensive coverage. *One way to demonstrate your knowledge and understanding of the subject is consistent and appropriate employment of professional terminologies.*

3. Cognitive and Intellectual Skills

You should be able to: evaluate critically current research and advanced scholarship in the discipline; evaluate methodologies and develop critiques of them and, where appropriate, to propose new hypotheses; deal with complex issues both systematically and creatively to make sound judgements in the absence of complete data. Your work must contain evidence of logical, analytical thinking, evaluation and synthesis. For example, to examine and break information down into parts, make inferences, compile, compare and contrast information. This means not just describing what! But also justifying: Why? How? When? Who? Where? At what cost? At all times, you must provide justification for your arguments and judgements. Evidence that you have reflected upon the ideas of experts within the subject area is crucial to you providing a reasoned and informed debate within your work. Your choice of methodologies to gather data and information must be rigorously defended. Furthermore, you should provide evidence that you are able to make sound judgements and convincing arguments using data and concepts. Sound, valid, persuasive conclusions are necessary and must be derived from the content of your work. Where relevant, alternative solutions and recommendations may be proposed.

4. Practical Skills

At level 7, you should be able to demonstrate originality in the application of knowledge, together with a practical understanding of how established techniques of research and enquiry are used to create and interpret knowledge in the discipline. This includes acting autonomously in planning and implementing tasks at a professional or equivalent level, originality in tackling and solving problems, and decision-making in complex and unpredictable contexts or situations.

You should be able to demonstrate mastery of the leading edge subject-related concepts and ideas as they relate to real world situations and/or particular contexts. How do they work in practice? You will deploy models, methods, techniques, and/or theories, in those contexts or circumstances, to assess current situations, perhaps to formulate plans or plausible, justifiable recommendations to solve problems, or to propose new models, or to create artefacts, which may be innovative and creative, thereby demonstrating your understanding of how the boundaries of knowledge are advanced through research and/or application. This is likely to involve, for instance, the use of real world artefacts, examples and cases, the application of a model within an organisation and/or benchmarking one theory or organisation against others.

5. Transferable Skills for Life and Professional Practice

Your work must provide evidence of the qualities and transferable skills necessary for postgraduate-level employment in circumstances requiring sound judgement, personal responsibility and initiative in complex and unpredictable professional environments. This includes demonstrating: the independent learning ability for continuing professional development to advance existing skills and acquire new competences of a professional nature that will enable you to assume significant responsibility within organisations; that you can initiate and complete tasks, projects and procedures, whether individually and/or collaboratively, to a professional level; that you can use appropriate media to effectively communicate information, arguments and analysis in a variety of forms for a variety of audiences; fluency of expression; clarity and effectiveness in presentation and organisation. Work should be coherent and well-structured in presentation and organisation. *One way to demonstrate this criterion is the structure and flow of your report in terms of e.g. headings, sub-headings, their numbering, pictures, graphs, tables, etc. Clarity of the report which includes facets such as describing what the report is about, setting the scene / background, executive summary, scope of study, consistency, coherence, glossary, etc.*

STUDENT FEEDBACK FORM

This section details the *extent* to which the assessment criteria are demonstrated by you, which in turn determines your mark. The marks available for each category of skill are shown. Lecturers will use the space provided to comment on the achievement of the task(s), including those areas in which you have performed well and areas that would benefit from development/improvement.

Generic Assessment Criteria	Marks available	Marks awarded
1. Engagement with Literature Skills	30	
2. Knowledge and Understanding Skills	20	
3. Cognitive and Intellectual Skills	30	
4. Practical Application Skills	10	
5. Transferable Skills for Life and Professional Practice	10	

Assessment Mark (Assessment marks are subject to ratification at the Exam Board. These comments and marks are to give feedback on module work and are for guidance only until they are confirmed.)

Late Submission Penalties (tick if appropriate)

Up to 1 week late (50% Max)

Over 1 week late (0%)

%

GENERIC ASSESSMENT CRITERIA

Level 7

In accordance with the Framework for Higher Education Qualifications, at the end of Level 7 students should be able to demonstrate: a systematic understanding of knowledge, and a critical awareness of current problems and/or new insights, much of which is at, or informed by, the forefront of their academic discipline or area of professional practice; a comprehensive understanding of techniques applicable to their own research or advanced scholarship; originality in the application of knowledge, together with a practical understanding of how established techniques of research and enquiry are used to create and interpret knowledge in the discipline; conceptual understanding that enables the student to evaluate critically current research and advanced scholarship in the discipline to evaluate methodologies and develop critiques of them and, where appropriate, to propose new hypotheses. They will be able to deal with complex issues both systematically and creatively, make sound judgements in the absence of complete data, and communicate their conclusions clearly to specialist and non-specialist audiences. They will demonstrate self-direction and originality in tackling and solving problems, and act autonomously in planning and implementing tasks at a professional or equivalent level to continue to advance their knowledge and understanding, and to develop new skills to a high level. They the qualities and transferable skills necessary for employment requiring the exercise of initiative and personal responsibility; decision-making in complex and unpredictable situations/professional environments; and the independent learning ability required for continuing professional development.

Level 7	FAIL	FAIL	MARGINAL FAIL	SATISFACTORY (Pass)	GOOD to VERY GOOD (Merit)	EXCELLENT (Distinction)	EXCEPTIONAL (Distinction)
Category	0-29%	30-44%	45-49%	50-59%	60-69%	70-84%	85-100%
Engagement with literature (including current research, referencing, academic conventions and academic honesty)	Little or no evidence of reading and/or reliance on inappropriate sources. Views and findings mostly unsupported and non-authoritative. Referencing conventions used incoherently or largely absent.	Poor engagement with essential reading. No evidence of wider reading. Reliance on inappropriate sources, and/or indiscriminate use of sources. Heavily reliant on information gained through class contact. Inconsistent and weak use of referencing.	Engagement with a very limited range of relevant and credible sources. Some omissions and minor errors. Referencing conventions evident though not always applied accurately or consistently.	Engagement with an appropriate range of research-informed literature, including sources retrieved independently. Some over-reliance on texts. Referencing may show minor inaccuracies or inconsistencies.	Engagement with a wide range of research-informed literature, including sources retrieved independently. Selection of relevant and credible sources. Very good use of referencing, with no/very few inaccuracies or inconsistencies.	Engagement with an extensive range of relevant and credible literature, informed by the latest research. Consistently accurate application of referencing.	Exceptional engagement with an extensive range of relevant and credible literature, informed by the latest research. High-level referencing skills consistently and professionally applied.

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Knowledge and understanding (A systematic, conceptual understanding of knowledge, and a critical awareness of current problems and/or new insights, much of which is at, or informed by, the forefront of the discipline; a comprehensive understanding of techniques applicable to their own research)	Major gaps in knowledge and understanding of the subject matter is not systematic. Substantial inaccuracies. No awareness of current problems, insights or the latest research and/or advanced scholarship within the discipline.	Gaps in knowledge, with only superficial systematic understanding. Some significant inaccuracies and/or irrelevant material. No critical awareness of current problems, insights, or latest research within the discipline.	Limited knowledge and systematic understanding of the concepts and principles within the subject area, which to some marginal extent, is informed by current research and scholarship. Some critical awareness of current problems and/or new insights, but often under-developed.	Knowledge is accurate and reasonably detailed. A systematic understanding of the field of study informed by, to some extent, current research and scholarship. A critical awareness of current problems and/or new insights though this may be under-developed occasionally.	Knowledge has a well-defined focus, which is reasonably extensive, coherent and detailed, with a critical awareness of current problems and/or new insights. Exhibits good understanding of the breadth and depth of contemporary and established views, and the work is, at least in part, well-informed by current research and scholarship.	Excellent mastery of a complex and specialised area of knowledge. A systematic, excellent understanding of the concepts of the subject informed by current research and scholarship. Highly critical awareness of current problems and/or new insights. A critical, awareness of how the boundaries of knowledge are advanced through research.	Exceptional mastery of a complex and specialised area of knowledge. An exceptionally critical awareness of current problems and/or new insights. An outstanding understanding of the concepts of the subject, well-informed by current research and scholarship. A critical, sophisticated and nuanced awareness of how the boundaries of knowledge are advanced through research.
Cognitive and intellectual skills (Critical evaluation of current research and methodologies and develop critiques of them and, where appropriate, to propose new	Wholly or almost wholly descriptive work. Little or no evaluation or critique or attempt at a systematic approach. Failure to develop arguments,	Largely descriptive work, with superficial use of critical evaluation of research and methodologies. Absent or weak development of hypotheses and judgements. Information	Limited attempt at critical evaluation/ critique of current research and methodologies, tending towards description. Limited attempt to propose new hypotheses. Can	Some critical evaluation/ critique of current research and methodologies, though slightly underdeveloped in places, Proposes adequate but limited new	Sound critical evaluation/ critique of current research and methodologies, Proposes new hypotheses, where appropriate. Can deal with complex issues	Excellent critical evaluation/ critique of current research and methodologies, Proposes innovative hypotheses, where appropriate. Can synthesise	Exceptional critical evaluation/ critique of current research and methodologies, Proposes innovative hypotheses, where appropriate.

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hypotheses; make sound judgements in the absence of complete data.)	leading to illogical or invalid judgements. Unsubstantiated generalisations, made without use of credible evidence.	accepted uncritically, uses generalised statements made with scant evidence and unsubstantiated opinions. Ideas sometimes illogical and contradictory.	deal with complex issues but not systematically or creatively. Some evidence to support emerging judgements but these may be underdeveloped or with a little inconsistency / mis-interpretation. May assert rather than argue a case.	hypotheses, where relevant. Can deal with complex issues but not fully systematically or creatively. Ability to make judgements based on data (that may be incomplete) but with some tendency to assert/state opinion rather than argue on the basis of reason and evidence.	systematically and with some creativity. Ability to make sound judgements based on data (that may be incomplete)	complex issues systematically and creatively. Ability to investigate contradictory or incomplete information and make strong, persuasive, arguments and sophisticated judgements.	Exemplary systematic and creative synthesis of complex issues. Ability to investigate contradictory or incomplete information and make strong, persuasive, arguments and sophisticated, nuanced, judgements. Potential for journal publication or doctoral research.
Practical skills (Originality / creativity in the application of knowledge, tools and techniques and in tackling and solving problems in complex and unpredictable professional situations; practical use of established techniques of research and enquiry to create and interpret knowledge in the discipline.)	Limited or no use of methods, materials, tools and/or techniques. Little or no appreciation of the context of the application. Limited understanding of the application of theory to practice or making appropriate links between the two. Very weak problem-solving	Rudimentary application of methods, materials, tools and/or techniques but without consideration and competence. Flawed appreciation of the context of the application. Weak understanding of the application of theory to practice, with	An awareness and mostly appropriate application of well-established methods, materials, tools and/or techniques, with occasional errors. Basic appreciation of the context of the application. Theoretical knowledge and understanding applied in	An appropriate application of standard methods, materials, tools and/or techniques. Clear appreciation of the context of the application. Mainly consistent, accurate and logical application of theory to practice, making	A very good application of a range of methods, materials, tools and/or techniques. Very good consideration of the context of the application, with perceptive insights. Can identify problems and propose appropriate solutions in complex and	An advanced application of knowledge, methods, materials, tools and/or techniques. The context of the application is well considered, and insightful. Can identify complex problems and propose excellent solutions. An excellent grasp of techniques	Exceptional application skills in complex, unpredictable, contexts, drawing skilfully on the latest research within the discipline. Can identify complex problems and propose sophisticated, original solutions. An outstanding application of techniques

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	skills in complex and unpredictable contexts.	only occasional evidence of making appropriate links between the two. Weak problem-solving skills in complex and unpredictable contexts.	practice, but not always making logical links between the two. Can identify problems and propose basic solutions without fully appreciating the complexity of unpredictable contexts.	appropriate links between the two. Can identify problems and propose mostly appropriate solutions in complex and unpredictable contexts, with elements of originality.	unpredictable contexts. Evidence of originality and creativity.	applicable to own research or advanced scholarship. Shows originality in application of knowledge and techniques, and of how established techniques of enquiry create and interpret knowledge in the discipline.	applicable to own research or advanced scholarship. Shows originality in application of knowledge and techniques, and of how established techniques of enquiry create and interpret knowledge in the discipline with assimilation and development of cutting edge processes and techniques.
Transferable skills for life and professional practice (Exercise of self-direction, autonomy and personal responsibility; plan and implement tasks at a professional level; independent learning; use appropriate media to communicate effectively and professionally to a variety of audiences; fluency of	Communication medium is inappropriate or misapplied. Work is poorly structured, disorganised and/or confusingly expressed. Very weak use of language and/or very inappropriate style. Little or no evidence of autonomy (or collaboration, where relevant) in the completion	Communication medium is poorly designed and/or not suitable for the audience. Work is poorly presented in a disjointed manner. It is loosely, and at times incoherently, structured, with information and ideas often poorly expressed. Weak use of language and/or inappropriate	Can communicate in a suitable medium but with some room for improvement. Mostly ordered presentation and structure in which relevant ideas / concepts are reasonably expressed. Work may lack coherence in places. Can work as part of a team, but with limited	Can communicate effectively in a suitable format, but may have minor errors. Mostly coherent, organised work, in a suitable structure and is for the most part clearly expressed. Can work effectively independently and/or as part of a team, with clear contribution to group activities.	Can communicate well, confidently and consistently in a suitable format. Work is coherent, fluent, well-structured and organised. Can work very well autonomously and/or as part of a team, with a good contribution to group activities. Demonstrates comprehensive	Can communicate professionally confidently and consistently in a suitable format. Work is coherent, very fluent and is presented professionally. Can work autonomously with initiative. Where relevant can work professionally within a team, showing leadership skills	Can communicate with an exceptionally high level of professionalism. Work is remarkably coherent, very fluent and is presented professionally. Can work outstandingly well and professionally within a team, showing advanced leadership skills.

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expression; systematic approach; clarity and effectiveness in presentation and organisation.)	of tasks. Little or no evidence of the skills required in professional, postgraduate employment.	style. Weak independent initiative (or collaboration, if relevant). Limited evidence of the skills required in professional, postgraduate employment.	involvement in group activities. Demonstrates some but not all of the basic skills required in professional, postgraduate employment, with some areas of minor weakness.	Demonstrates the skills required in professional, postgraduate employment, with some areas of strength and some of minor weakness.	professional, postgraduate employment skills.	as appropriate, managing conflict and meeting obligations. Demonstrates excellent professional, postgraduate employment skills and a strong appetite for further development.	Demonstrates exemplary professional, postgraduate employment skills and a strong appetite for further development.



Programme: MSc Property and Facilities Management

Module: Property Law & Practice

Module Code: M7X01812

Lecturer: Rokib Uddin

Assignment Title: Case study law

Submission Date: 11th April 2019

Completed by: Richard Black

Student I.D. 1803287

Table of Contents

1.0 The Law	3
1.1 The Law (Part 2 Landlord and Tenant Act 1954)	3
2.0 Summary of Requirements	8
3.0 Conclusion.....	10
4.0 References & Bibliography	11

1.0 The Law

1.1 The Law (Part 2 Landlord and Tenant Act 1954)

Part 2 of the Landlord and Tenant Act 1954 is the current legislative document made up of sections 24 - 38 that regulates the responsibilities of both the Landlord and tenant with a commercial business lease tenure. It pertains to all those that legitimately inhabit business properties under the agreed covenants of the lease in order to support their business ventures.

The 1954 Act acknowledges that security is required for business tenants because they stand to lose a great deal, if a long and established lease agreement ends, which will included in part their valuable assets and stock if they have to vacate the property upon the contractual lease expiry date. The 1954 Act allows commercial property tenants a right to renew their leases with a section 26 notice.

The foundation of part 2 of the Landlord and Tenant Act 1954 is section 24, which states that a tenant's prevailing commercial business lease shall automatically continue until it is terminated by the serving of the statutory section notice(s) by either the landlord or tenant in accordance with the 1954 Act. This could be in either the form of a section 25 notice issued by the landlord under a section 30 (1) or by the tenant issuing a section 26 notice.

The Act itself advises on what is referred to as the "Security of Tenure" which are based on two fundamental parts and describes as follows;

Statutory Continuation – Explains that if a tenant continues to inhabit the commercial property the lease will remain in place and automatically renew following the contractual expiration date but will be, protected in its nature unless brought to end in agreement with that prescribed in the 1954 Act. So in effect, the lease will not end unless otherwise opposed using the correct methodology stipulated in accordance with the act and in this case study opposed under section 25 notification in relation to section 30 (1) (f) "intention to redevelop the property".

If the landlord serves a section 25 notice either offering a new tenancy on specific terms or opposing a renewal, the tenant cannot serve a section 26 notice; they have to reply to the section 25 notice. ([Lewis Silken LLP 2017](#))

The section 25 notice must be, served on the tenant (or tenants) not more than 12 **months** and not less than 6 **months** before the termination date specified in the notice.

Tenants Right to Renew – The tenant has the right under security of tenure to apply for a new lease following similar parameters to that in which the landlord has to adhere to in relation to a section 25 notice. Although, for a tenant this would mean submitting a section 26 notification which state the proposals for a new tenancy lease agreement.

The landlord can oppose this request and if they have not already done so by means of serving a counter section 25 notice stating the ground on which they have chosen to oppose. This process must be completed by the landlord should he wish to proceed within a 2-month period in accordance with part 2 of the 1954 Act.

The section 26 must be, served on the commercial landlord not more than 12 **months** and not less than 6 **months** before the termination date specified in the notice. ([Lewis Silken LLP 2017](#))

The act itself is very clear when it comes to a renewal of a lease or refusal of a renewal through the courts. These are under strict time restrictions, which are, enforced by the act and the parties will be unable to delay them once the application submitted, unless both parties and the courts agree.

Opposed renewals – Where the commercial landlord objects to the tenants request for renewal on “grounds” laid out within the act itself (section 30 (1)) The grounds range from A – G providing a total of seven which could be carefully selected by the landlord to end a tenancy. The landlord can only select one of these grounds to pursue this appeal process under the use of a section 25 notice through the courts.

Opposed Renewal Ground(s)

The landlords ground (f) of opposition must be included in the landlords section 25 notice or counter-notice and the landlord cannot later amend this.

- (a) Tenant's failure to repair.
- (b) Persistent delay in paying rent.
- (c) Other substantial breaches by the tenant.
- (d) Suitable alternative accommodation is, offered.
- (e) The tenant is a sub-tenant of part of the property originally let and the landlord can obtain a better rent by re-letting the property as a whole.
- (f) The landlord's intention to demolish or reconstruct the premises.
- (g) The landlord's intention to occupy the premises himself either for the purposes of his business or as a residence. ([Lewis Silken LLP 2017](#))

Unopposed renewals – Is the process of the commercial landlord potentially agreeing in principle or in part to the lease renewal request from the incumbent tenant but contest the specific conditions of the lease renewal submitted by the tenant.

Any tenant without security of tenure runs the risk of having to vacate the business premises upon the contracted lease expiration date unless they negotiate a new lease.

Lease expiry techniques

Other ways a commercial lease can be drawn to a conclusion independent of the act is by either forfeiture, meaning the tenant losing the lease as a direct penalty for contravening the contractual parameters set out in the lease agreement, surrender or by the issuing the commercial landlord issuing a section 27 (2) notice to end the commercial lease.

Surrender of lease when the tenant aims to return the property back the commercial landlord prior to the expiry of the lease. This is subject to the landlord accepting this request. The landlord has the right to seek a form of surrender payment, which is especially pertinent if the property is not currently fit to be advertised for re-rental or to be re-advertised on the rental market.

Commercial property benefitting from security of tenure can include contractual obligations that allow the tenant to terminate the lease under what is referred to as a “break clause”. This requires specialist level detailing the terms will need to be complaint with under condition of the lease.

The landlord has indicated an intention to re-develop the property. They should secure the appropriate commercial property lawyer(s) to advise and support their application under a section 25 notice on ground (f). It would be prudent to collect all the relevant evidence that aims to support the redevelopment prior to initiating the section 25 notification to the tenant. In respect to this case study scenario, the landlords evidence should look to incorporate and perhaps not be limited to the following information.

- Full details of the most recent condition survey that denotes any dilapidation process of the property in question which could also benefit from a cost analysis that looks to give a detailed overview of what expenditure is required to refurbish the property against the comparison re-development expenditure.
- Schedule of rent since lease commencement.
- Evidence of the landlords claims of every effort and avenue in their endeavors to negotiate with the current tenant. That they have also offered a similar property as a lease potential during redevelopment as a generous alternative to support the long-term relationship and avoid disruption to the tenant's current business or indeed any loss of the tenant from a landlord perspective.
- Details of the re-development program, which could include; details of planning consent and use classes, times and dates of proposed commencement of project with predicted completion timescales. Designs complete with plans and description of the proposed development along with any associated boardroom meeting minutes.
- Evidence that also supports the project from a financial perspective, for example investors in place and funding secured.

All being well, the more evidence the landlord can generate and submit with the application through the courts especially from the perspective of the property showing signs of decline and potential for reducing future rental return from end of use lifecycle strategies will allow the application to be successful.

Compensation

Under the 1954 Act the tenant will be entitled to statutory compensation if the lease is not renewed under section 30 (1) ground (f) Intention to re-develop or demolish.

The statutory compensation the client can expect within this case is calculated at *1x the rateable value of the property or, where the tenant has been in occupation for 14 years or more 2x the rateable value.* (Lewis Silken LLP 2017)

The rateable factor of the business property determines any form of compensation that the landlord is required to pay the tenant. Compensation is also dependent on the length of time the tenant has leased the business property.

The landlord may benefit and be compensated by the tenant when the current lease agreement with the tenant has been reviewed by a lawyer, which is especially beneficial to the landlord should the tenant abandon their commercial business lease agreement.

Lease agreements can contain clauses that omit the need for any compensation to be, dispensed. Although such clauses will be, deemed unsuccessful if the tenant has been in occupation of the commercial business property as *stated within the act for the last 5 years up to the date of quitting.* (Lewis Silken LLP 2017)

Rateable factor(s)

The rateable factor for a non-domestic commercial business property is, imposed by the “Valuation Office Agency” (VOA) who conduct a valuation of the business property, which can also include in part business assets for the arrangement of the business rates.

Valuations in respect can be, completed with the use of a few different methods however, the rental based income approach can commonly be, used in this situation.

Property Zones

Zoning of business premises is another form of valuation whereby the property is, segregated into zones from the front entrance to the rear. Each area separation is usually around 6.1m in depth although this measurement can fluctuate depending on the location of the business property.

The proportioned zones incur a drop in their value the further they recede from the front entrance to the rear of the property. Zones are categorised starting with zone (A) being at the front, which from a valuation perspective is, derived to be the most expensive area.

The VOA adopt the standards in measuring methods published and approved by the Royal Institute of Chartered Surveyors (RICS). These methods are made, up of two parts, the net internal area (NIA) which is generally related to retail properties, shops and offices and the gross internal area (GIA) measurement method which generally relates to properties of an individual type such as manufacturing or warehouse setups.

The VOA provide details to the local council in relation to rateable values for business properties, which is then, used by the local councils to set the business property rates.

The landlord may have records of business rates and rent, but it would be a recommendation that the landlord liaises with their legal representation to ensure that there are no inaccuracies that influence compensation entitlement are correct prior to initiating the section 25 notice to the tenant.

2.0 Summary of Requirements

As the area commercial surveyor appointed for a corporate property landlord you are instructed in your capacity as a qualified and practiced commercial surveyor to deliver expertise and guidance in relation to the pertinent legislative methods that will enable the landlord to end the commercial lease about to expire on this property.

One of the current tenants Fashion Retail Ltd has been a loyal and longstanding tenant for a period of nearly 10 years, which, can be deemed as exceptionally long period from a lease perspective when they commonly run for 3 -5 years and may also include break clauses.

The landlord wants to re-develop this property in compliance with the part 2 of the 1954 Act to enhance any opportunities that are currently prevalent within the current rental market.

In order to achieve this the commercial landlord has to initiate and capitalise on the proposed re-development plans under part 2 of the 1954 Act. In general, this is the most commonly used of the grounds specified within part 2 of the 1954 Act.

It is highly recommended that a landlord seek advice from a commercial property lawyer to enable appropriate representation and to ensure suitable coverage of all legal aspects declared in the 1954 Act. This advice must aim to protect reputational status in managing the tenant. The lawyer shall support and guide the landlord through any sensitive negotiations, legalities and complexities with the tenant that maybe become prevalent in accordance with the landlord enacting the section 25 notice including when and how these applicable section notifications should be, submitted.

For example the landlord would be well advised to have all supporting evidence and the section 25 notice in relation to section 30 (1) ground (f) ready to submit within the stipulated time frames prior to any informal or formal discussions with the tenant.

Landlord Tenant Co-operation.

As the tenant's current lease is about to expire after running for nearly 10 years the landlord would be well placed to take into consideration any impact the section 25 notice in relation to section 30 (1) (f) intention to redevelop/demolish may have on the landlord tenant lease arrangement.

In this instance, I would advocate the arrangement of some form of informal meeting with the tenant prior to section 25 notice being, submitted; which will counteract any section 26 notice being, issued by the tenant if they wish to renew the lease.

The meeting should allow for an honest open discussion in relation to current rents and market trends available for new developments, signifying that the intention is not to lose the tenant and valued client. Although for reason stated under, ground (f) of the 1954 Act that the lease would not be, renewed in favour of the re-development proposal about to be submitted.

It should be emphasised to the tenant that although there is a clear intention that by no means is it a poor reflection on them as a valued tenant but purely a business decision that you hope will not affect the relationship going forward.

It is highly recommended that in order to prevent the potential risk for any disagreements or disputes at this point of the proceedings that available options submitted to support the tenant such as the landlord offering different business accommodation in relocation that is either permanent or temporary, complete with necessary compensation entitlement.

If the tenant responds to this in a positive manner then in order to reinforce the new development, the landlord could show indicative designs and plans to encourage the tenant's interest in perhaps retuning under a new lease and rental agreement.

If the landlord's re-development proposals are successful and both parties are in an agreement with a new increase of rent to return the tenant and business back within the new development then the offer of new lease would be sensible.

3.0 Conclusion

Part 2 of the Landlord and Tenant Act 1954 is quite a regimented and regulatory process that may not always rule in favor of the landlord without them paying meticulous attention to a permanent or temporary understanding of the 1954 act and the subsequent sections that apply to them in respect to this particular case.

As stated in the fore mentioned interpretations it will be of paramount interest to the landlord to have sought the appropriate legal counsel whereby the landlord can share details in regards to future intentions for the property. The application of a vigorous review of the current lease agreement in place whereby the legal obligations under part 2 of the 1954 Act.

The landlord needs to provide comprehensive evidence that reinforces the section 25 notice application under a section 30 (1) ground (f) intention to redevelop or demolish the property. In order to qualify this application the landlord should be able to justify in detail the reasons of the intention under section 30 (1) ground (f). All of which shall need to show this is just not an application for the landlords own intention or for gaining vacant possession of the property to remove the tenant.

Alternative accommodation is another aspect of this process the landlord need to take into consideration and not perhaps overlook especially as the intention is not to renew the lease. The current tenant has been under lease for substantial amount of time, which would also mean the tenant being entitled to compensation under the security of tenure.

Therefore, prior to any section 25 notice or counter notice from the tenant issuing a section 26 notice right to renew being issued it would be prudent for the landlord and the tenant to get together and negotiate a new arrangement that befits both parties.

It is more common for the service of notices such as section 25 and 26, under these types of circumstances in initiating the court processes, although case law states that; perspective is that they very rarely go to court hearings. The ones that generally end up at hearing are the ones dealing with larger more, valuable lettings.

4.0 References & Bibliography

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