

**What are the unresolved issues - legal and practical - concerning restrictive covenants and s.84(1) following the Supreme Court's decision in *Alexander Devine v Housing Solutions* [2020]?**

- ‘(aa) ...in a case falling within subsection (1A) below) the continued existence thereof would impede some reasonable user of the land for public or private purposes or, as the case may be, would unless modified so impede such user
- ...
- (1A) Subsection (1)(aa)...authorises the discharge or modification of a restriction by reference to its impeding some reasonable user of land in any case in which the Upper Tribunal is satisfied that the restriction, in impeding that user, either –
  - (a) does not secure to the persons entitled to the benefit of it any practical benefits of substantial value or advantage to them; [**the limited benefit limb**] or
  - (b) is contrary to the public interest; [**the public interest limb**]