

With tenants seeking reduced rents, how can you gain an edge for clients when drafting and serving s.25 and s.26 notices?

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A naked landlord doesn't justify lower rents, court rules

The court found that 'the usability of the rented property was not impaired by the plaintiff sunning himself naked in the courtyard'



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- UK market subdued: higher borrowing costs and sluggish economic growth outlook
- Industrial sector - showing renewed momentum
- 50% of respondents feel conditions are consistent with a downturn phase of the property cycle
- Rising share now feel that conditions are stabilising (or beginning to improve)
- Outlook for prime office and industrial rental growth is positive
- The retail sector continues to struggle

(RICS Highlights from Q1 2023 Global Commercial Property Monitor)



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Maximising/minimising rent

- Amount of rent specified
- Timing
- Terms of the lease



Level of rent



Getting the balance right



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Overstating/understating the rent

- Invalidity
- Credibility
- Pleading problems



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Timing

- Statutory time limits
- Estate activity
- Market activity



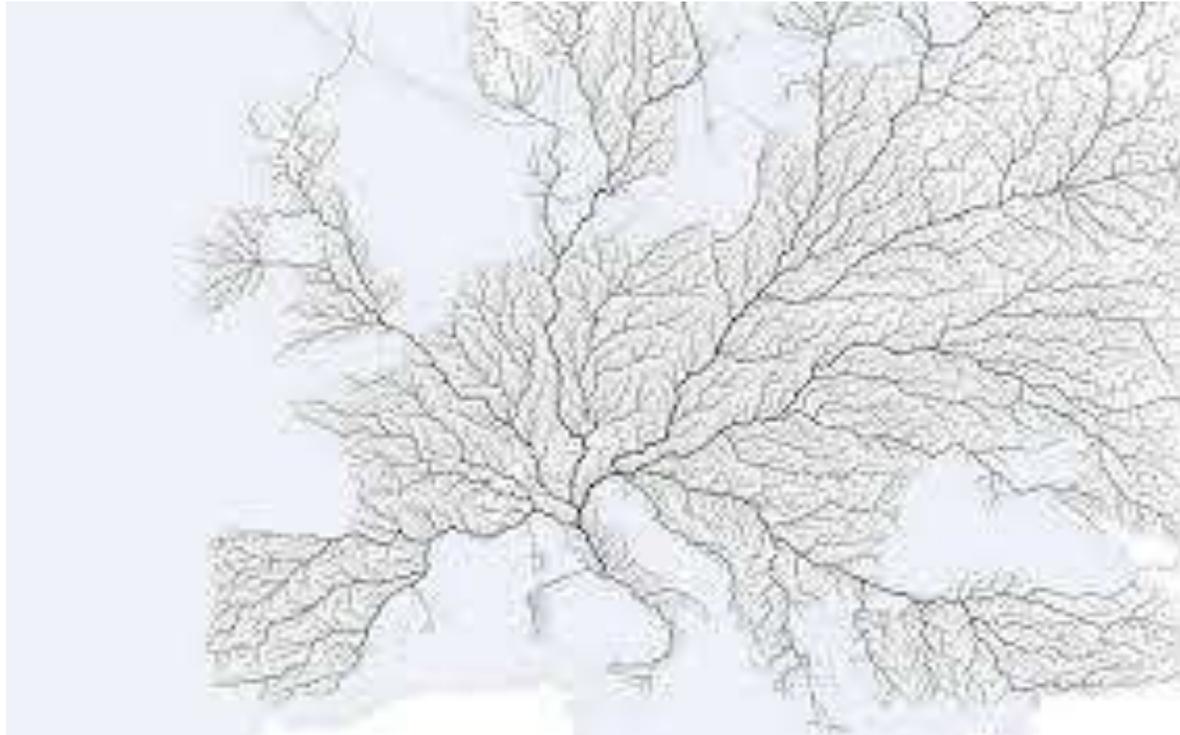
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Terms of the lease

- Caution (O'May)
- False economy
- Free lunch?



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Ideal expert witness

- No previous (convictions, relationship, adverse court findings)
- Expertise – subject matter/sector/locality
- Experience (*sed quare*)
- Articulate (written, orally)
- Confident (the right kind)

Thorny questions/topics

- Could LL threaten opposition to obtain a higher rent?
- What use is statutory protection when it is optional?
- AI to fix the rent?



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