

# Terminal Dilapidations Defence

*Countrywide Surveyors, Burton upon Trent*

Bradley-Mason LLP were engaged by Countrywide Surveyors to defend a claim for damages on a high street Estate Agency premises. The claim had been served by the Landlord after the Lease had ended.

The property was unusual because it had originally been occupied at the start of the Lease as a freezer centre and was later assigned to the Estate Agency with the rear areas used for internal storage and car parking.

It was not possible to adopt our usual strategic approach of managing Dilapidations pre-lease expiry as the unit had already been yielded up to the Landlord prior to our involvement. We therefore focused our defence on the reasonableness of the Landlord's claim and, in particular, whether the Landlord had actually suffered a loss as a result of the property's condition.

Under Section 18(1) of the Landlord and Tenant Act 1927 we strongly argued that much of the Landlord's claim would be superseded by any future occupant's fit-out and substrate our arguments with valuation evidence which we obtained from a local valuation specialist. As a result we were able to swiftly conclude negotiations and avoid any increased legal costs or delayed claim.

The initial claim from the Landlord was approximately £73,000 and full and final settlement was agreed at £18,000. By combining a detailed assessment of the actual claim, a common sense approach to the physical works which would actually be required by an incoming Tenant, and specialist valuation advice, Bradley-Mason LLP were able to significantly reduce Dilapidation costs and avoid a protracted dispute.



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