



HÄGEN WOLF
PROPERTY LITIGATION SPECIALISTS

Commercial landlord & tenant property litigation
Our capabilities



The team at Hägen Wolf are a pleasure to work with.

Approachable, collaborative and pragmatic at all times, they handle our cases with tenacity and professionalism.



David Windross
Head of Property UK & I
VUE Cinemas



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About Hägen Wolf

Hägen Wolf is a leading property litigation law firm, it's all we do.

At Hägen Wolf, we prioritise your commercial property needs, catering to clients of all shapes and sizes. Whether you're a portfolio landlord, a retailer, a sports club, or an office-based business, we're here to support you. Our extensive experience spans various sectors, including leisure, manufacturing, transportation, and more.

Understanding complex landlord and tenant relationships

We understand the importance of long-term strategies in navigating the complexities of commercial landlord and tenant relationships. Whether it's optimising lease terms, maximising your time on-site, or facilitating redevelopment plans, we're here to guide you every step of the way.

In the realm of commercial property disputes, we know that timing is critical. Disputes with landlords, tenants, or other stakeholders can be costly distractions, even threatening the survival of your business. That's why we approach every case with a focus on commerciality and pragmatism, taking swift and decisive action to protect your interests.

Extensive experience

Our team of lawyers brings extensive experience in handling a wide range of commercial property disputes, including possession claims, tenant insolvency, dilapidations, break clauses, lease renewals, and telecommunications code issues. No matter the complexity of your situation, we're committed to finding effective solutions that safeguard your business interests.

Support for **you and your clients** - overview

Forfeiture

We regularly advise commercial landlords on the termination of commercial leases by forfeiture. We can guide you through each and every stage of the process including, how to avoid waiving the right to forfeit, serving s.146 notices, arranging peaceable re-entry and obtaining a possession order.

Relief from forfeiture

Commercial tenants often have the right to seek relief from forfeiture, even after the landlord has regained possession, by applying to court.

Our experienced team assists both tenants in seeking relief and landlords in opposing relief applications and are well versed in the legal intricacies involved ensuring that your interests are protected throughout the process.

Options and break clauses

Whether you are seeking to exercise an option to extend your lease or considering invoking a break clause to terminate it, we offer tailored legal strategies to achieve your goals effectively.

From conducting interpreting the documentation and exercising (or challenging) break and option rights, we are committed to delivering proactive and pragmatic solutions that safeguard our clients' interests in every aspect of option and break clause matters.

Consent to assign/sublet/alter/ change use

Where a commercial tenant wishes to assign its lease or to sublet, landlord's consent is often required. Similarly, consent is also often required for alterations and changes in use. Our experienced lawyers assist clients in navigating the consent process, applying to court if necessary for a declaration that consent has been lawfully (or unlawfully) refused.

Termination and renewal under the Landlord & Tenant Act 1954

We understand the complexities surrounding business lease renewals and the importance of navigating the provisions of the Landlord and Tenant Act 1954 for our clients. With many business tenants having security of tenure under this Act, tenants are often entitled to apply to court for a new lease if terms cannot be agreed with the landlord. While landlords can oppose renewal, they are limited to specific grounds (such as redevelopment) some of which may attract compensation. These procedures are intricate, and errors can have serious consequences.

A common challenge in lease renewals is agreeing on the new rent. In such cases, the application to court or the threat of one can break the deadlock, as both parties know that the court will ultimately assess the rent at open market value. While opposed lease renewals are often vigorously contested, our experienced team is well-equipped to handle both unopposed and opposed cases.

With a track record of over 1000 cases, we have represented clients ranging from national pub companies to owner-managed fish and chip shops. Whether you're facing a tactical opposition from the landlord or negotiating terms for a new lease, we provide comprehensive legal support tailored to your specific needs, ensuring your rights and interests are protected throughout the process.

Support for **you and your clients** – overview

Further services

- Access disputes
- Alterations and improvements
- Breaches of covenant
- Conveyancing issues
- Co-ownership and beneficial interests
- Co-ownerships and trusts
- Compulsory purchase and compensation
- Development and planning
- Enforcement of lease covenants
- Electronic communications
- Injunctions
- Late/ Non completion
- MEES
- Misrepresentation
- Mines and minerals
- Mortgages, charges and charging orders
- Overage
- Possession claims
- Professional negligence
- Rent arrears
- Rent recovery
- Rent reviews
- Restrictive covenants
- Rights to light
- Serving and challenging break notices
- Service charges
- Telecoms
- Tenant insolvency
- Trespassers
- Unlawful subletting

Support for **you and your clients** - dilapidations

Dilapidations

Dilapidations is a common term used to describe claims brought by landlords against tenants for property disrepair.

Such claims can be brought during the term of a lease or after its expiry and are truly claims for damages or debts properly recoverable at law for breaches of contract/s.

There are also many other claims that can be brought in relation to property disrepair both by landlords and tenants including those relating to service charge regimes, forfeiture and termination claims pursuant to the Landlord and Tenant Act 1954.

We are nationally regarded experts in this field of law.

Terminal Dilapidations

Whether you are seeking to exercise an option to extend your lease or considering invoking a break clause to terminate it, we offer tailored legal strategies to achieve your goals effectively.

From conducting interpreting the documentation and exercising (or challenging) break and option rights, we are committed to delivering proactive and pragmatic solutions that safeguard our clients' interests in every aspect of option and break clause matters.

Interim Dilapidations

We advise both landlords and tenants on breaches of repairing covenant during the lease term. Our expertise extends to the interpretation and enforcement of *Jervis v Harris* clauses, specific performance claims and the restrictions on forfeiture and damages claims under the Leasehold Property (Repairs) Act 1938 and the Landlord and Tenant Act 1927.

Dilapidations and Break Clauses

Break clauses often hinge on property condition, making dilapidations a key consideration. Whether you're a landlord or a tenant, we provide expert advice on navigating break clauses with repair-based preconditions. Our team has experience across various sectors, from manufacturing to offices, and we work collaboratively with your surveyors to achieve the best outcomes for you.

Case studies

Securing seven figure settlements for a real estate investment trust

Our client is a real estate investment trust (REIT), with almost £1 billion worth of property assets under its management, entirely based in the UK.

The issue

With the large number of properties under its management, our client regularly encounters issues with dilapidations, and required an experienced legal partner who could effectively handle these types of complex claims.

We are nationally regarded experts in this field of law.

How we helped

As genuine dilapidations experts, Hägen Wolf has helped the trust to secure significant seven figure settlement sums, in relation to numerous assets.

Our team has been involved in dilapidations claims relating to several of our client's top 15 assets. The team has also been involved with numerous other significant claims in the last year.

More widely, we provide ongoing assistance to our client in relation to service charge claims, lease renewals and property insolvency matters.

Property litigation support for one of the UK's largest, privately owned property companies

Our client is one of the UK's largest, privately-owned property companies, with a development pipeline of almost £10 billion.

The issue

With a portfolio of large development projects, it was inevitable that our client would encounter issues in areas such as dilapidations. The organisation required a legal partner it could trust to effectively manage these types of claims.

How we helped

We were instructed as dilapidations experts to resolve multiple claims. In one particular claim against a bank, which included novel points of law, we were able to secure a 100% cost recovery of all works undertaken by our client.

We have since gone on to assist the organisation with property litigation more widely, including areas such as restrictive covenants.

Our team

The firm is led by partners Matt Pugh, and Richard Robinson, who are supported by senior team members, associates, trainee and paralegals.



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“

A short testimonial seems inadequate to express my appreciation...we felt confident and reassured at every stage.

Thoroughly enjoyed working with you all, hats off to Hägen Wolf, an extremely dynamic and personable team.

—

Hollie Shackleton
Senior Asset Manager
Caddick Group



Let's talk further

We would be delighted to talk to you further, about how we can support your clients with their property litigation requirements.

If you have any questions, or require more information, please contact Matt Pugh, or Richard Robinson.

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