

# Contents

---

Table of Statutes

Table of Secondary Legislation

Table of Cases

## **PART 1: THE GENERAL LAW**

### **Chapter 1: Key Features of Leasehold Property**

- 1.1 Introduction
- 1.2 Definition of leasehold property
  - 1.2.1 Legal leases
    - 1.2.1.1 The two legal estates
    - 1.2.1.2 Term of years absolute
  - 1.2.2 The common law characteristics of a lease
    - 1.2.2.1 Term less than the grantor
    - 1.2.2.2 Duration of the term must be certain
    - 1.2.2.3 Exclusive possession
- 1.3 The lease–licence distinction
  - 1.3.1 The significance of the distinction
  - 1.3.2 Drawing the distinction
    - 1.3.2.1 Exclusive possession
    - 1.3.2.2 Exceptional categories
  - 1.3.3 Proposals for reform
- 1.4 Example
- 1.5 Summary

### **Chapter 2: The Types of Tenancy and the Formal Requirements for the Creation of a Lease**

- 2.1 Introduction
- 2.2 Types of tenancy
  - 2.2.1 Fixed-term tenancy
  - 2.2.2 Periodic tenancy
  - 2.2.3 Tenancy at will
  - 2.2.4 Tenancy at sufferance
  - 2.2.5 Tenancy by estoppel
  - 2.2.6 Perpetually renewable leases
  - 2.2.7 Reversionary leases
  - 2.2.8 Leases for life or lives
- 2.3 Formal requirements
  - 2.3.1 Contracts to grant leases
    - 2.3.1.1 Prior to 27 September 1989
    - 2.3.1.2 On or after 27 September 1989
  - 2.3.2 Legal leases
  - 2.3.3 Defective grants
    - 2.3.3.1 Common law periodic tenancy
    - 2.3.3.2 Equitable lease
    - 2.3.3.3 The conflict between law and equity
    - 2.3.3.4 Differences between a legal lease and an equitable lease
- 2.4 Registration requirements
  - 2.4.1 A legal lease of registered land

|         |   |
|---------|---|
| 2.4.2   | A legal lease of unregistered land      |
| 2.4.3   | An equitable lease of registered land   |
| 2.4.4   | An equitable lease of unregistered land |
| 2.5     | Energy efficiency regulations           |
| 2.5.1   | Tenants' energy efficiency improvements |
| 2.5.2   | Minimum energy efficiency standards     |
| 2.5.2.1 | Scope                                   |
| 2.5.2.2 | Provisions                              |
| 2.5.2.3 | Exemptions                              |
| 2.6     | Right to rent checks                    |
| 2.6.1   | Scope                                   |
| 2.6.2   | Framework                               |
| 2.6.3   | Financial penalty                       |
| 2.6.4   | Statutory excuses                       |
| 2.6.4.1 | The prescribed requirements             |
| 2.6.5   | Criminal offences                       |
| 2.7     | Summary                                 |

### **Chapter 3: Covenants 1: Express Covenants**

|         |   |
|---------|---|
| 3.1     | Introduction  |
| 3.2     | Definition  |
| 3.3     | Rent  |
| 3.3.1   | Manner of payment   |
| 3.3.2   | Certainty of rent   |
| 3.4     | Repair  |
| 3.4.1   | Construction of repairing obligations                                 |
| 3.4.2   | Definition of repair  |
| 3.4.2.1 | Whole or part   |
| 3.4.2.2 | Change of character   |
| 3.4.2.3 | Cost of works   |
| 3.4.3   | Standard of repair  |
| 3.4.3.1 | Fair wear and tear excepted   |
| 3.5     | Rights of entry   |
| 3.6     | Absolute and qualified covenants                                      |
| 3.6.1   | Absolute covenants  |
| 3.6.2   | Qualified covenants   |
| 3.7     | Covenants against alienation  |
| 3.7.1   | Terminology   |
| 3.7.2   | s19(1) Landlord and Tenant Act 1927                                   |
| 3.7.2.1 | Reasonableness  |
| 3.7.3   | The Landlord and Tenant Act 1988                                      |
| 3.7.3.1 | Reasonable time   |
| 3.7.3.2 | Tenant's remedy   |
| 3.7.4   | The Housing Act 1988 and assured tenancies                            |
| 3.8     | Covenants against improvements  |
| 3.8.1   | s19(2) Landlord and Tenant Act 1927                                   |
| 3.8.1.1 | Reasonableness  |
| 3.8.2   | Other statutory interventions   |
| 3.8.3   | Compensation for improvements   |
| 3.9     | Qualified covenants not regulated by the Landlord and Tenant Act 1927 |
| 3.10    | Reform  |
| 3.11    | Summary   |

## Chapter 4: Covenants 2: Enforceability of Covenants

- 4.1 Introduction
- 4.2 Enforcement before the Landlord and Tenant (Covenants) Act 1995
  - 4.2.1 Privity of contract
  - 4.2.2 Privity of estate
  - 4.2.3 Indemnity
  - 4.2.4 Liability of sub-tenants
    - 4.2.4.1 Restrictive covenant
    - 4.2.4.2 Right of re-entry (forfeiture clause)
    - 4.2.4.3 Contracts (Rights of Third Parties) Act 1999
- 4.3 Enforcement after the Landlord and Tenant (Covenants) Act 1995
  - 4.3.1 Covenants that are transmitted on assignment
  - 4.3.2 Tenant's release on assignment
  - 4.3.3 Landlord's release on assignment
  - 4.3.4 Authorised guarantee agreements: commercial leases only
  - 4.3.5 Further relief
- 4.4 Summary

## Chapter 5: Implied Obligations

- 5.1 Introduction
- 5.2 Implied common law covenants
  - 5.2.1 The "usual" covenants
- 5.3 Implied common law covenants of the tenant
  - 5.3.1 Tenant's covenant to pay rent
  - 5.3.2 The tenant's covenant to treat the premises in a "tenant-like" manner
    - 5.3.3 Doctrine of waste
- 5.4 Implied common law covenants of the landlord
  - 5.4.1 Landlord's covenant for quiet enjoyment
    - 5.4.1.1 Substantial disturbance
    - 5.4.1.2 Scope of the landlord's obligation
  - 5.4.2 Landlord's covenant for non-derogation from grant
    - 5.4.2.1 Limitations to non-derogation
- 5.5 Common law obligations in relation to fitness and repair
  - 5.5.1 Fitness for human habitation
  - 5.5.2 Common parts
- 5.6 Statutory repairing obligations
  - 5.6.1 s8 Landlord and Tenant Act 1985
  - 5.6.2 s11 Landlord and Tenant Act 1985
    - 5.6.2.1 Structure and exterior
    - 5.6.2.2 Notice
  - 5.6.3 s9A Landlord and Tenant Act 1985
    - 5.6.3.1 Scope
    - 5.6.3.2 Provisions
    - 5.6.3.3 Exceptions
    - 5.6.3.4 Relevant considerations
    - 5.6.3.5 Enforcement
- 5.7 Defective Premises Act 1972
  - 5.7.1 Provisions
  - 5.7.2 Scope

- 5.7.3 Relevant defect
- 5.8 Summary

## **Chapter 6: Landlord, Tenant and Third Parties**

- 6.1 Introduction
- 6.2 Protection from Eviction Act 1977
  - 6.2.1 Unlawful eviction and harassment
    - 6.2.1.1 Residential occupiers
    - 6.2.1.2 Unlawful deprivation of occupation
    - 6.2.1.3 Harassment
    - 6.2.1.4 Effectiveness
  - 6.2.2 Recovery of possession
  - 6.2.3 Remedies
    - 6.2.3.1 A claim for breach of contract
    - 6.2.3.2 Statutory liability: Housing Act 1988
- 6.3 Measures against “rogue landlords and property agents”
  - 6.3.1 Banning orders
    - 6.3.1.1 Banning orders are regulated by Part 2 Chapter 2 Housing and Planning Act 2016
    - 6.3.1.2 Banning order offences
    - 6.3.1.3 Relevant considerations
    - 6.3.1.4 Enforcement
    - 6.3.1.5 Variation
  - 6.3.2 Database of rogue landlords and property agents
    - 6.3.2.1 Database registration
    - 6.3.2.2 Procedure
    - 6.3.2.3 Enforcement
    - 6.3.2.4 Variation of an entry
  - 6.3.3 Rent repayment orders
- 6.4 Duties to third parties
  - 6.4.1 Occupiers’ liability
    - 6.4.1.1 Duty owed to lawful visitors
    - 6.4.1.2 Duty owed to trespassers
    - 6.4.1.3 Defective Premises Act 1972
  - 6.4.2 Private nuisance
    - 6.4.2.1 General requirements
    - 6.4.2.2 Landlord and tenant liability
- 6.5 Summary

## **Chapter 7: Termination of Leases and Remedies for Breach of Covenant**

- 7.1 Introduction
- 7.2 Termination
  - 7.2.1 Expiry of a fixed term
  - 7.2.2 Termination: by notice
    - 7.2.2.1 Break clauses
    - 7.2.2.2 Notice to quit
  - 7.2.3 Surrender and merger
  - 7.2.4 Disclaimer
  - 7.2.5 Termination: enlargement
- 7.3 Remedies
  - 7.3.1 Forfeiture (re-entry)
  - 7.3.2 Forfeiture for non-payment of rent
    - 7.3.2.1 Landlord’s formal demand

|         |   |
|---------|---|
| 7.3.2.2 | Tenant's right to relief: court order                               |
| 7.3.2.3 | Tenant's right to relief: peaceable re-entry                        |
| 7.3.3   | Forfeiture for other breaches                                       |
| 7.3.3.1 | Notice requirements   |
| 7.3.3.2 | Additional requirements for dwellings                               |
| 7.3.3.3 | Remedying the breach  |
| 7.3.3.4 | Tenant's right to relief  |
| 7.3.3.5 | Waiver of right to forfeiture: all breaches                         |
| 7.3.4   | Remedies for non-payment of rent                                    |
| 7.3.4.1 | Action for breach of contract: debt                                 |
| 7.3.4.2 | Commercial Rent Arrears Recovery (CRAR)                             |
| 7.3.5   | Remedies for other breaches by the tenant                           |
| 7.3.5.1 | Damages   |
| 7.3.5.2 | Injunction  |
| 7.3.5.3 | Self-help   |
| 7.3.5.4 | Limits on landlords' options: Leasehold Property (Repairs) Act 1938 |
| 7.3.6   | Tenant's remedies for landlord's failure to repair                  |
| 7.3.6.1 | Damages   |
| 7.3.6.2 | Specific performance  |
| 7.3.6.3 | Set-off/self-help   |
| 7.3.6.4 | Local authority obligations   |
| 7.4     | Summary   |

## **PART 2: RESIDENTIAL TENANCIES**

### **Chapter 8: Tenancies Under the Rent Act 1977**

|         |   |
|---------|---|
| 8.1     | Introduction  |
| 8.2     | Types of tenancy recognised by the Rent Act 1977                          |
| 8.3     | Protected tenancies   |
| 8.3.1   | Definition of a protected tenancy   |
| 8.3.1.1 | Tenancy   |
| 8.3.1.2 | A dwelling-house  |
| 8.3.1.3 | Let   |
| 8.3.1.4 | As a separate dwelling  |
| 8.3.2   | Rateable value of the dwelling-house: s4 Rent Act 1977                    |
| 8.3.3   | Excluded categories   |
| 8.3.3.1 | Tenancies at a low rent: s5 Rent Act 1977                                 |
| 8.3.4   | Dwelling-houses let with other land: s6 Rent Act 1977                     |
| 8.3.5   | Tenancies providing for payment for board or attendance: s7 Rent Act 1977 |
| 8.3.5.1 | Lettings to students: s8 Rent Act 1977                                    |
| 8.3.5.2 | Holiday lettings: s9 Rent Act 1977  |
| 8.3.5.3 | Agricultural holdings: s10 Rent Act 1977                                  |
| 8.3.5.4 | Licensed premises: s11 Rent Act 1977                                      |
| 8.3.5.5 | Resident landlords: s12 Rent Act 1977                                     |
| 8.3.5.6 | Landlord's interest belonging to the Crown: s13 Rent Act 1977             |
| 8.3.5.7 | ss14–16 Rent Act 1977   |
| 8.3.5.8 | Business tenancies: s24(3)  |
| 8.3.5.9 | Tenancies of overcrowded dwellings under the Housing Act 1985             |

- 8.3.5.10 Release from the Rent Act 1977 – s143
- 8.3.6 Statutory tenancies
  - 8.3.6.1 Requirements
  - 8.3.6.2 Terms of the statutory tenancy: s3
  - 8.3.6.3 Residence
    - 8.3.6.4 Meaning of residence
    - 8.3.6.5 Continued residence
    - 8.3.6.6 Company lettings
  - 8.3.7 Succession to a statutory tenancy
    - 8.3.7.1 Death before 15 January 1989
    - 8.3.7.2 Death on or after 15 January 1989
    - 8.3.7.3 Residence
- 8.4 Summary

## **Chapter 9: Obtaining Possession of Rent Act Tenancies**

- 9.1 Introduction
  - 9.1.1 Suitable alternative accommodation
    - 9.1.1.1 Availability
    - 9.1.1.2 Suitability
    - 9.1.1.3 Reasonableness
  - 9.1.2 Discretionary cases for possession
    - 9.1.2.1 Case 1: rent arrears or breach of any other obligation
    - 9.1.2.2 Case 2: nuisance, annoyance or immoral or illegal user
    - 9.1.2.3 Case 3: deterioration of the dwelling-house
    - 9.1.2.4 Case 4: deterioration of the furniture
    - 9.1.2.5 Case 5: notice to quit by the tenant
    - 9.1.2.6 Case 6: assignment or sub-letting
    - 9.1.2.7 Case 7: controlled tenancies of off-licences
    - 9.1.2.8 Case 8: employee's residence
    - 9.1.2.9 Case 9: premises required by the landlord or his family
    - 9.1.2.10 Case 10: overcharging of sub-tenant
  - 9.1.3 The mandatory cases for possession
    - 9.1.3.1 Case 11: dwelling-house let by an owner-occupier
    - 9.1.3.2 Case 12: retirement home
    - 9.1.3.3 Case 13: out-of-season lettings
    - 9.1.3.4 Case 14: student accommodation
    - 9.1.3.5 Case 15: required for a minister of religion
    - 9.1.3.6 Cases 16–18: the dwelling-house is required for agricultural employment
    - 9.1.3.7 Case 19: protected shorthold tenancies
    - 9.1.3.8 Case 20: lettings by servicemen
  - 9.1.4 Suspended orders for possession
  - 9.1.5 Sub-tenancies
    - 9.1.5.1 Security of sub-tenants from a protected/statutory tenant: s137
    - 9.1.5.2 Security of sub-tenants where the superior tenancy is not a protected/statutory tenancy
    - 9.1.5.3 Notice of sub-letting
- 9.2 Summary

## **Chapter 10: Rent Control Under the Rent Act 1977**

- 10.1 Introduction
- 10.2 Rent officers

|          |   |
|----------|---|
| 10.3     | Application for a registered rent   |
| 10.3.1   | Exceptions  |
| 10.4     | Determination of a fair rent  |
| 10.4.1   | Matters taken into account: regards in determining a fair rent                        |
| 10.4.1.1 | General circumstances   |
| 10.4.1.2 | Personal circumstances  |
| 10.4.2   | Matters not taken into account: disregards in determining a fair rent: scarcity value |
| 10.4.2.1 | Other disregards  |
| 10.5     | The effect of rent registration and non-registration: rent limits                     |
| 10.5.1   | Registered rent: contractual tenancy  |
| 10.5.2   | No registered rent: contractual tenancy   |
| 10.5.3   | Registered rent: statutory tenancy  |
| 10.5.4   | No registered rent: statutory tenancy   |
| 10.5.5   | Cancellation of the registered rent   |
| 10.6     | Summary   |

## **Chapter 11: Tenancies Under The Housing Act 1988**

|           |   |
|-----------|---|
| 11.1      | Introduction  |
| 11.2      | Types of tenancy recognised by the Housing Act 1988           |
| 11.3      | Transitional provisions                                       |
| 11.4      | Qualifying requirements                                       |
| 11.5      | Definition of assured tenancy                                 |
| 11.5.1    | An individual   |
| 11.5.2    | Only or principal home  |
| 11.5.3    | Occupation  |
| 11.5.4    | Rent and rateable value limits                                |
| 11.5.5    | Exemptions  |
| 11.5.5.1  | Business tenancies: para 4                                    |
| 11.5.5.2  | Licensed premises: para 5                                     |
| 11.5.5.3  | Tenancies of agricultural land: para 6                        |
| 11.5.5.4  | Agricultural holdings: para 7                                 |
| 11.5.5.5  | Student accommodation: para 8                                 |
| 11.5.5.6  | Holiday lettings: para 9                                      |
| 11.5.5.7  | Resident landlords: para 10                                   |
| 11.5.5.8  | Public and quasi-public sector landlords: paras 11–12         |
| 11.5.5.9  | A family intervention tenancy: para 12ZA                      |
| 11.5.5.10 | Accommodation for asylum seekers: para 12A                    |
| 11.5.5.11 | Accommodation for persons with temporary protection: para 12B |
| 11.6      | Acquiring an assured tenancy                                  |
| 11.6.1    | Creation  |
| 11.6.1.1  | Tenancies granted before 28 February 1997                     |
| 11.6.1.2  | Tenancies granted on or after 28 February 1997                |
| 11.6.1.3  | Statement of major terms                                      |
| 11.6.2    | By succession   |
| 11.7      | Statutory periodic tenancies                                  |
| 11.7.1    | The terms of the statutory periodic tenancy                   |
| 11.7.2    | Variation of terms: s6  |
| 11.7.3    | Additional terms  |
| 11.8      | Tenancy deposit schemes                                       |
| 11.9      | Summary   |

## Chapter 12: Obtaining Possession of Housing Act Tenancies

- 12.1 Introduction
- 12.2 Obtaining possession of an assured tenancy
  - 12.2.1 Notice requirements: s8 Housing Act 1988
    - 12.2.1.1 The prescribed form: s8(2) Housing Act 1988
    - 12.2.1.2 Length of notice: s8(4) Housing Act 1988
  - 12.2.2 Mandatory grounds for possession
    - 12.2.2.1 Ground 1: landlord requiring possession
    - 12.2.2.2 Ground 2: repossession by a mortgagee
    - 12.2.2.3 Ground 3: out-of-season lettings
    - 12.2.2.4 Ground 4: student accommodation
    - 12.2.2.5 Ground 5: premises required by a minister of religion
    - 12.2.2.6 Ground 6: intention to demolish or reconstruct
    - 12.2.2.7 Ground 7: succession by a tenant not entitled under s17
    - 12.2.2.8 Ground 7A: anti-social behaviour
    - 12.2.2.9 Ground 8: defined rent arrears
  - 12.2.3 Discretionary grounds for possession
    - 12.2.3.1 Ground 9: suitable alternative accommodation
    - 12.2.3.2 Ground 10: some rent arrears
    - 12.2.3.3 Ground 11: persistent rent arrears
    - 12.2.3.4 Ground 12: breach of other obligations
    - 12.2.3.5 Ground 13: deterioration of the dwelling-house
    - 12.2.3.6 Ground 14: anti-social behaviour
    - 12.2.3.7 Ground 15: deterioration of the furniture
    - 12.2.3.8 Ground 16: employee's residence
    - 12.2.3.9 Ground 17: false or misleading statements
    - 12.2.3.10 Compensation for misrepresentation or concealment: s12
  - 12.2.4 Suspended orders for possession
- 12.3 Obtaining possession under s21 Housing Act 1988
  - 12.3.1 Limitations on service of a notice
    - 12.3.1.1 Deposit schemes
    - 12.3.1.2 Retaliatory eviction
    - 12.3.1.3 Time limits
    - 12.3.1.4 Prescribed legal requirements
- 12.4 Human rights and claims for possession under the Housing Act 1988
- 12.5 Summary

## Chapter 13: Rent Provisions Under the Housing Act 1988

- 13.1 Introduction
  - 13.1.1 Assured tenancies
    - 13.1.2 Rent increase procedure: ss13 and 14 Housing Act 1988
      - 13.1.2.1 Determination of the rent by the First-tier Tribunal: the market rent
    - 13.1.3 Assured shorthold tenancy
  - 13.2 Criticisms of the statutory schemes
  - 13.3 Summary



## **PART 3: LONG RESIDENTIAL TENANCIES**

### **Chapter 14: Leasehold Extension and Enfranchisement**

|          |  |
|----------|--|
| 14.1     | Introduction   |
| 14.2     | Security of tenure on expiry of a long lease                   |
| 14.2.1   | Qualifying requirements  |
| 14.2.1.1 | Long tenancy   |
| 14.2.1.2 | Low rent   |
| 14.2.1.3 | Qualifying condition   |
| 14.2.2   | Procedure  |
| 14.2.3   | The grounds of opposition                                      |
| 14.2.4   | Proposal of a new tenancy                                      |
| 14.2.5   | Tenant's notice to terminate                                   |
| 14.3     | Right to enfranchise or extend the lease of a house            |
| 14.3.1   | Qualifying requirements  |
| 14.3.1.1 | Definition of a house  |
| 14.3.1.2 | Long tenancy   |
| 14.3.1.3 | Qualifying period  |
| 14.3.1.4 | Rateable value and low rent requirements                       |
| 14.3.1.5 | Exclusions   |
| 14.3.2   | Procedure  |
| 14.3.2.1 | Notice procedure   |
| 14.3.2.2 | Price for buying the freehold                                  |
| 14.3.2.3 | Costs  |
| 14.3.2.4 | Terms of an extended lease                                     |
| 14.3.2.5 | Costs of extending the lease                                   |
| 14.3.2.6 | Landlord's rights to possession                                |
| 14.3.2.7 | Tenant's right to purchase the freehold after lease extension  |
| 14.4     | Collective enfranchisement of a purpose-built block            |
| 14.4.1   | Qualifying requirements  |
| 14.4.2   | Procedure  |
| 14.4.2.1 | Notices  |
| 14.4.2.2 | The price  |
| 14.4.2.3 | Completion   |
| 14.5     | Right to extend the lease of a purpose-built dwelling          |
| 14.5.1   | Procedure  |
| 14.5.2   | The terms  |
| 14.5.3   | The price  |
| 14.6     | Tenants' rights under the Landlord and Tenant Act 1987         |
| 14.6.1   | Right of pre-emption   |
| 14.6.1.1 | Requirements   |
| 14.6.1.2 | Procedure  |
| 14.6.2   | Appointment of a manager                                       |
| 14.6.3   | Compulsory acquisition by tenants of their landlord's interest |
| 14.6.4   | Variation of terms of long leases                              |
| 14.7     | Summary  |

## Chapter 15: Regulation of Long Residential Tenancies

- 15.1 Introduction
- 15.2 Right to manage
  - 15.2.1 Requirements for the right to manage
  - 15.2.2 Procedure
  - 15.2.3 Acquisition of the right to manage
  - 15.2.4 Exercise of the right to manage
- 15.3 Service charges
  - 15.3.1 Definition of service charges
  - 15.3.2 Forfeiture for non-payment
  - 15.3.3 Reasonableness of service charges
  - 15.3.4 Determination of service charges
  - 15.3.5 Time limits
  - 15.3.6 Insurance
- 15.4 Consultation and information
  - 15.4.1 Increases in service charge
    - 15.4.1.1 Stage one: Notice of intention
    - 15.4.1.2 Stage two: Obtaining estimates
    - 15.4.1.3 Stage three: Landlord's proposals
    - 15.4.1.4 Stage four: Notification of the award of the contract
    - 15.4.1.5 Interpretation
  - 15.4.2 Annual service charge: ss21–25
  - 15.4.3 Appointment of a surveyor
  - 15.4.4 Management audit
  - 15.4.5 Notification of ground rent
- 15.5 Commonhold
  - 15.5.1 Commonhold association
  - 15.5.2 Commonhold community statement
  - 15.5.3 Where commonhold arises
  - 15.5.4 Termination
  - 15.5.5 Amendments and additions to a commonhold
  - 15.5.6 Settlement of disputes
- 15.6 Summary

## PART 4: BUSINESS TENANCIES

### Chapter 16: Business Tenancies

- 16.1 Introduction
- 16.2 Qualifying requirements
  - 16.2.1 A tenancy
  - 16.2.2 Occupation by the tenant
  - 16.2.3 For business purposes
  - 16.2.4 Exclusions
- 16.3 Security of tenure
  - 16.3.1 Acceleration of continuation tenancy
  - 16.3.2 Tenant's notice to quit: s27(2)
  - 16.3.3 Tenant's surrender
  - 16.3.4 Forfeiture: s24(2)
  - 16.3.5 Cessation of business tenancy
- 16.4 Termination or renewal of the continuation tenancy
  - 16.4.1 The landlord's s25 notice

|          |   |
|----------|---|
| 16.4.2   | The tenant's s26 request: requirements: s26(1)                      |
| 16.4.3   | The request: s26(2)   |
| 16.4.4   | Effect of a valid tenant's request: s26(6)                          |
| 16.4.5   | Application to court  |
| 16.4.6   | Renewal by agreement: s28   |
| 16.4.7   | Obtaining information for notices                                   |
| 16.5     | Landlord's grounds of opposition                                    |
| 16.5.1   | Failure to repair: ground (a): s30(1)(a)                            |
| 16.5.2   | Rent arrears: ground (b): s30(1)(b)                                 |
| 16.5.3   | Breach of other obligations: ground (c): s30(1)(c)                  |
| 16.5.4   | Alternative accommodation: ground (d): s30(1)(d)                    |
| 16.5.5   | Undesirable sub-letting: ground (e): s30(1)(e)                      |
| 16.5.6   | Intention to demolish or reconstruct: ground (f): s30(1)(f)         |
| 16.5.6.1 | The meaning of demolition and reconstruction                        |
| 16.5.6.2 | Inclusion of new terms  |
| 16.5.7   | Landlord's intention to occupy: ground (g): s30(1)(g)               |
| 16.5.8   | Short leases  |
| 16.6     | Terms of the new tenancy  |
| 16.6.1   | The property: s32   |
| 16.6.2   | Duration of the new tenancy: s33                                    |
| 16.6.3   | Rent of the new tenancy: calculation: s34                           |
| 16.6.3.1 | Disregards  |
| 16.6.3.2 | Rent review   |
| 16.6.4   | Other terms of the new tenancy: s35                                 |
| 16.6.5   | Effect of the court order   |
| 16.7     | Interim provisions  |
| 16.7.1   | Interim continuation: s64(1)  |
| 16.7.2   | Interim rent: application: s24A                                     |
| 16.8     | Compensation for the tenant   |
| 16.8.1   | Compensation on successful opposition: s37                          |
| 16.8.2   | Compensation for improvements                                       |
| 16.8.2.1 | Limits to compensation: s2 Landlord and Tenant Act 1927             |
| 16.8.2.2 | Procedure for compensation: s3 Landlord and Tenant Act 1927         |
| 16.8.3   | Compensation when possession is obtained by misrepresentation: s37A |
| 16.9     | Summary   |

## Answers to Self-assessment Questions

## Index

**© 2019 Copyright CILEx Law School Limited**

All materials included in this CLS publication are copyright protected.

All rights reserved.

Any unauthorised reproduction or transmission of any part of this publication, whether electronically or otherwise, will constitute an infringement of copyright. No part of this publication may be lent, resold or hired out for any purpose without the prior written permission of CILEx Law School Ltd.

**WARNING: Any person carrying out an unauthorised act in relation to this copyright work may be liable to both criminal prosecution and a civil claim for damages.**

This publication is intended only for the purpose of private study. Its contents were believed to be correct at the time of publication or any date stated in any preface, whichever is the earlier.

This publication does not constitute any form of legal advice to any person or organisation.

CILEx Law School Ltd will not be liable for any loss or damage of any description caused by the reliance of any person on any part of the contents of this publication.

Published in 2019 by:  
CILEx Law School Ltd  
College House  
Manor Drive  
Kempston  
Bedford  
United Kingdom  
MK42 7AB

**British Library Cataloguing in Publication Data**

A catalogue record for this manual is available from the British Library.  
ISBN 978-1-84256-1105-7