

Dilapidations and ADR

Jon Miller
15 March 2010

Dilapidations and ADR

- Introduction
- Schedule of Dilapidations
- Types of Dilapidations
- Relevant Provisions and a Typical Lease
- Repairing/Renewing
- Decoration
- Tenant's Remedy – Decorating Covenants

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- Insurance
- Yielding Up
- The Code of Practice on Commercial Leases
- The consequences of failing to comply with a Repair Covenant
- The initial Schedule of Conditions
- Remedies
- Damages

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- Leasehold Property Repairs Act 1938
- Forfeiture
- Bringing a claim
- Pre Action Protocol

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- Alternative Dispute Resolution
- Discussion and Negotiation
- Early Neutral Evaluation
- Mediation
- ADR generally
- What if ADR is not used?

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- Court Proceedings
- Claim Form
- Defence
- Reply
- CMC
- Allocation
- Disclosure

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- Witness Statements
- Trial
- Cost implications of commencing proceedings
- Part 36 Offers
- Role of an Expert in Court Proceedings
- Expert or Advocate?

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- The Report
- Form and Content of the Expert's Report

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