



Prosperity
Law LLP

➤ Dispute Resolution

Land, Building and Agricultural **Disputes**

Resolving property disputes with strategic
and cost-effective legal advice



Disputes about land and buildings come in all sorts of guises

We deal with issues relating to:

Commercial buildings

- Design and construction defects/ disrepair
- JCT contract disputes
- Cladding
- Major structural defects - Building Safety Act 2022
- Easements-rights to light/ drainage
- Business lease renewal - dilapidations and forfeiture

Residential leasehold properties

- Rent and disrepair
- Service charges
- Forfeiture
- Seller's misrepresentation

Tenancies – residential/ company/agricultural

- Rent and disrepair
- Unlawful eviction

Repossession

- Banks/building societies
- Bridging lenders
- Receivership



We will discuss all aspects of your case with you and advise you on the best steps to take to manage your dispute.

Land disputes

- Easements-rights of way/ parking and turning/drainage/ riparian rights
- Adverse possession
- Boundaries
- Sink holes
- Planning disputes
- Ransom strips

Homeowners and neighbours

- Restrictive covenants
- Party wall disputes
- Boundaries/hedges/fences/ ditches
- Harassment
- Trespass and encroachment
- Nuisance
- Extensions

Purchases and sales

- Seller's misrepresentation
- Options to purchase
- Auctions
- Specific performance of contracts for sale
- Possession
- Property fraud
- Overage

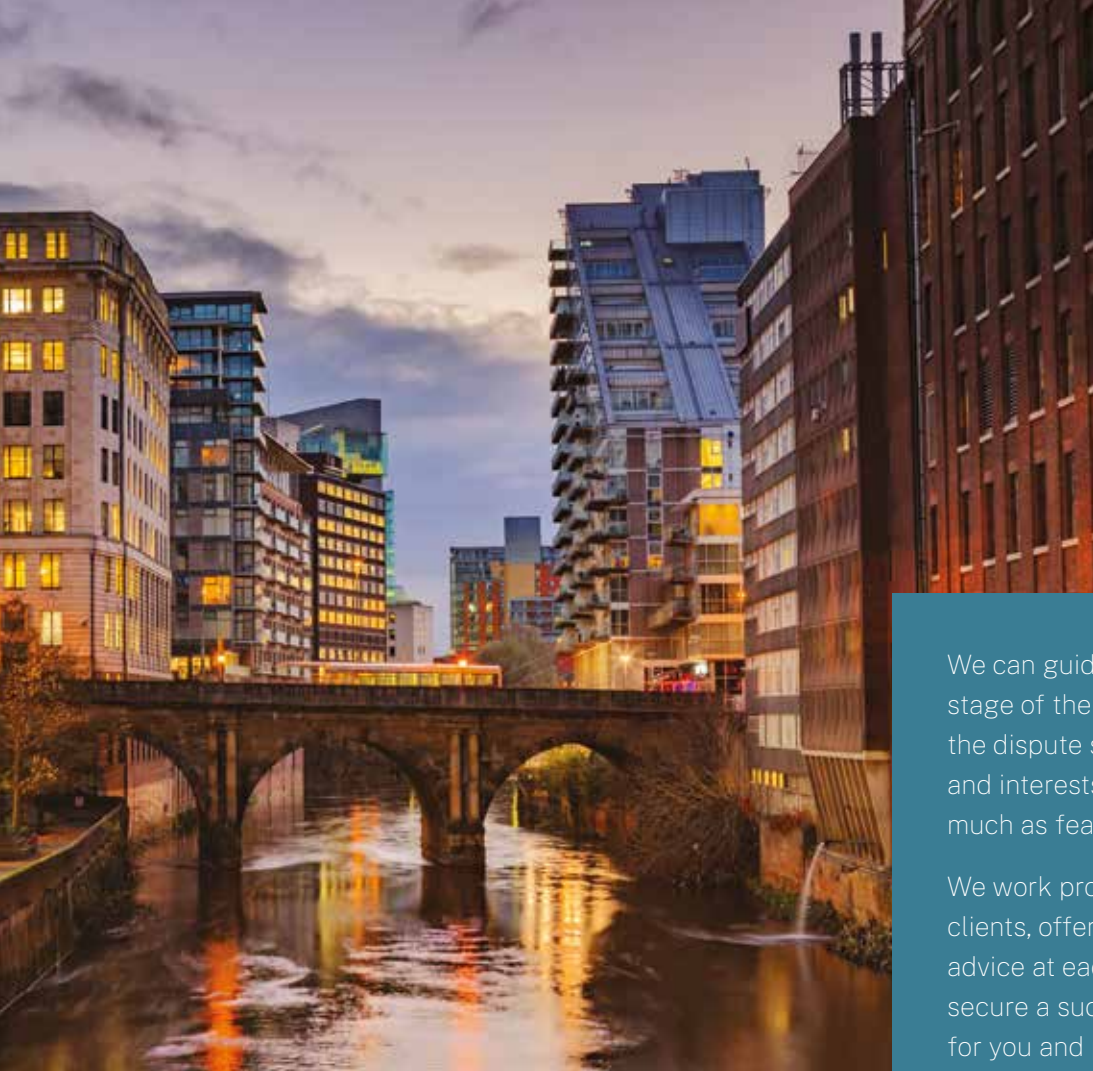
Professional negligence

- Conveyancers
- Architects
- Surveyors
- Engineers

New Builds

- Defective builds
- NHBC





We can guide you through each stage of the process to resolve the dispute so that your rights and interests are protected as much as feasibly possible.

We work proactively with our clients, offering comprehensive advice at each stage. We aim to secure a successful outcome for you and produce solutions to resolve your dispute.



Ownership disputes between unmarried couples

- Trust of Land and Appointment of Trustees Act 1996

Consumer disputes

- Defective kitchens/bathrooms
- Caravans/mobile homes

Land Registry

- Rectification of title
- Adverse possession
- Registration of charges



We know the importance of providing value and support, technical and practical, to our clients who are confronted with difficult property issues.



➤ Neighbour Disputes

As **property specialists**, we understand the problems that can arise in relation to disputes between neighbouring residential property owners.



A neighbour dispute can involve an argument about building extensions; boundary structures (fences and walls including party walls); interference with rights of way or rights to light; parking/turning rights; overhanging trees; noise disturbance; interference with privacy from CCTV cameras; and many other issues.

On occasion, emergency action may have to be taken by applying to court for an injunction against a neighbour who is hostile, intimidating and threatening or a neighbour who ignores your objection to building extension works. These situations can be very stressful.

An experienced property litigator is essential to provide the benefits of sound advice and representation. The ability to provide practical, legal and strategic advice, good management of the case, and skilful negotiation is vital. At Prosperity Law, our property litigation team, headed by Paul Magee, provides a service that is second to none.



The nature of these disputes varies greatly as does the type of client.

We have acted for both claimant and defendant in a range of complex and challenging cases including important Court of Appeal decisions. We also work closely with specialist barristers and expert surveyors.

Generally, our property clients include commercial or residential landlords and tenants; developers; property management companies; institutional and private lenders; private homeowners; estate and letting agents; professional building and land surveyors, architects, engineers, and conveyancers; local authorities; housing associations; church authorities; charities; and care homes.



Paul Magee

Partner and Head of
Dispute Resolution –
Contentious Property and
Contested Probate



Paul Magee is a Partner and the Head of Dispute Resolution – Property and Contentious Probate at Prosperity Law LLP situated in our Spinningfields, Manchester office.

Paul has been a litigation solicitor for over 30 years and is very experienced. He now specialises in property litigation and contested probate. Paul is always happy to have an initial, no fee obligation chat. He believes in providing value to his clients who include commercial developers, mortgage providers, investors, insurers, landlords, tenants, farmers and new buyers/sellers. Sometimes negotiation and mediation do not work with an unreasonable opponent and court action may be needed. In that case Paul will not hesitate in taking robust action. Paul has experience in dealing with a range of property disputes comprising, but not limited to the following:

- Professional negligence in relation to property (Land Registry, conveyancing, solicitors, barristers, surveyors, architects, engineers);
- Commercial lease disputes (termination, renewal, statutory compensation);
- Residential lease disputes (including section 20 consultation procedure);
- Landlord and tenant;
- Forfeiture/possession;

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- Dilapidation claims;
- Defective builds;
- Party Wall Act claims;
- Public and private land disputes including rights of way (legal and prescriptive), parking, trespass, encroachment, rights of light, and restrictive covenants;
- Adverse possession;
- Service charges;
- Neighbour nuisance;
- TOLATA disputes relating to property claims by unmarried partners. TOLATA is short for the Trusts of Land and Appointment of Trustees Act 1996;
- Contested Probate/Trusts and Estates;
- Issues relating to challenges to wills arising from invalidity, undue influence, and fraud. This includes advising in relation to claims which may be brought pursuant to the Inheritance (Provision for Family and Dependents) Act 1975; and
- Court of Protection matters.





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