

ILEX Assignment One

T3 - Property

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Students should read and précis Part C of Unit 2 'General Legal Principles'.

Deliver these slides in conjunction with the text.

1

Behaviour

- Take these notes to class and annotate them.
- Turn off your mobile.
- Raise your hand to ask a question.

2

Real Property

- What is the difference between "Real Property" and "Personal Property"?
- When selling or disposing of any 'real property' s2 Law of Property (Miscellaneous) Provisions Act 1989 states that it MUST be in writing.

3

Sale and purchase of land

- Prior to an exchange of contracts - property may be sold "subject to contract" - the following are dealt with...
- Draft contracts - Enquiries and searches - Finance - Survey - Exchange of Contract with 10% non-returnable deposit.
- Electronic conveyance of land.

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Leases

A lease is an estate in land of fixed maximum duration - usually created by deed.

Different types of tenancies exist

- Fixed term tenancy.
- A yearly tenancy (year to year often paid quarterly).

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Leases

- **Tenancies for other periods** - by express agreement or by the payment of rent (Protection from Eviction Act [1977] provides at least four weeks notice should be given).
- **Tenancies at Will** - Tenancies at Sufferance - Tenancies for Life - Assured Tenancies - Assured shorthold - see text in ILEX booklet for details.

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Obligation of the Parties

As per the Housing Act 2004 a Multi-Occupation Landlord (of 2 or more families in one building must hold a licence (from the Local Authority) to let out his property (without one he can be fined and lose rent).

Implied terms of the Landlord:

- *Quiet enjoyment - derogate his grant* (must not make the premises unfit) - *when furnished must make premises fit for human habitation* - if let on a short lease of less than seven years *landlord must keep the structure and exterior in repair.*

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Obligation of the Parties

Implied terms of the tenant ...

- To pay rent, rate and taxes.
- Not to commit waste
- To permit the landlord to enter the premises (to undertake repairs).

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Possession of land

- If say I move onto land in my caravan and I offer to pay rent and that is accepted - I become a tenant for a period which gives me tenancy rights.
- A landlord who does not want me on his land should apply to the courts for possession - arguing that I am a trespasser.

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Estates in Land

- **Freehold** - means "holding forever"
- **Leasehold** - "holding for a fixed time".

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Task 3

Do the Quiz at the back of this section of the ILEX textbook.

Working with the person next to you plan an answer to Task 3.

- Make use of bullet points.
- Be prepared to deliver your plan to the whole class.

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