

Thorner v Major [2009]

The case is related to the establishment of the right to inherit a property.

Evidence

Thorner filed a claim due to his rights to inherit the defendant's property. Specifically, Thorner had been working on the defendant's land for more than ten years without payment, and in return expected to inherit the property in the event of the defendant's passing. One of the reasons Thorner believed that he would inherit the estate was an ambiguous mention of bonuses regarding 'death duties'. However, the defendant had never explicitly declared that Thorner would inherit the land. Although the original will implied that the claimant would inherit the property, the defendant died intestate after revoking the original will. Thorner insisted that proprietary estoppel granted him the right to inherit the land.

Problematics

It is crucial to establish whether an individual can expect an inchoate 'equity' for land inherited from a landowner who had only made an unequivocal statement regarding the property. Additionally, the case should examine the presumption that the proprietary estoppel grants rights to the individual who relied upon their own detriment in favor of the promised property, while the landowner would be morally liable for not keeping his promise.

Thus, the primary issue is to determine whether the absence of a direct mention of proprietary interests could be sufficient for proprietary estoppel.

Resolution

The House of Lords ruled that Thorner managed to establish the proprietary estoppel. Namely, it was decided that even the conduct could represent a proprietary interest as long as it provided a clear understanding concerning the willingness to inherit property. The conduct might be determined by elements like context, the relationships between the parties, and their interpretation of context. The House of Lords also stated that ambiguous conduct could not be used as definitive ground on which to defeat proprietary estoppel. Subsequently, the actions of the land-owner were sufficient to manifest the proprietary interests necessary to establish estoppel.

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