

WG Clark (Properties) Ltd v Dupre Properties Ltd [1992]

Evidence

The history of the case started when the tenant rented the flat basement space of an apartment. In a year, the tenant agreed with the owner on extending the mentioned flat into a courtyard by paying an additional fee of £5,000 to the landlord. The renovation of the space required the parties to re-agree on the lease conditions that would further include both the basement and the to-be-constructed courtyard. In turn, the tenant had to yield their initial interest. The land registry rejected the deed of the parties because the land itself belonged to a third party. As a result, the tenant sued the owner for the false property representation. In turn, the owner sued the tenant for the denial of his land rights regarding both the courtyard and the flat.

Problematics

The court had to find the appropriate way to handle the tenant's statement of questioning the property rights of the landlord. Also, the court had to make a judgment regarding the owner's rights over the possession of the courtyard.

Resolution

The court concluded to allow the tenant's appeal and strike out the action of the defendant. The reason for such a decision was the fact that the tenant's statement stood for the property interest of the landlord but lacked in the representation of the relation of a third party to the matter of the problematic agreement. In this regard, the matter of the courtyard stood for a partial disclaimer that did not impact the status of the landlord regarding the possession of the property. Moreover, the court agreed that the actions of the tenant aimed at the disclosure of the landlord's rejection of the latter's right to the property, and therefore, the landlord could claim the tenant's forfeit for the property, according to the Law of Property Act 1925, section 146.

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