



**PROPERTY CHAMBER  
(First-tier Tribunal)**

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**DIRECTIONS FOR AN UNOPPOSED BUSINESS LEASE  
RENEWAL UNDER PART II OF THE LANDLORD AND TENANT  
ACT 1954**

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**Lease terms**

1. The landlord must by **[two weeks from the date of these directions]** submit a draft lease to the tenant for approval.
2. The tenant must by **[four weeks from the date of these directions]** return the draft lease to the landlord with any amendments shown in red.
3. The landlord must by **[five weeks from the date of these directions]** provide the tenant with a list of the terms of the draft lease that remain in dispute.

**Valuation**

4. The parties' valuers must by **[two weeks from the date of these directions]** exchange their measurements of the property and details of their comparables and they must meet to clarify the issues in dispute.
5. The parties must by **[seven weeks from the date of these directions]** exchange statements of agreed facts and disputed issues and send copies to the tribunal.
6. The parties must exchange expert reports **at least two weeks before** the hearing date notified to them in accordance with the following directions (See note attached).
7. Alternatively if the parties agree to appoint an independent joint valuer the expert report must be included in the document bundle.

**Listing and hearing**

8. Between **Monday XX – Friday XX [seven weeks from the date of these directions]** each party must return to the tribunal the attached listing questionnaire showing the availability of the parties' expert witnesses and advocates during the period of **[specify dates between 12 weeks from the date of these directions and the target date. E.g. 09 October 2017 to 1 December 2017]**. Any representations relating to the listing of the case should be set out in the questionnaire.
9. Within **3 weeks** of receipt of the completed listing questionnaire the tribunal will list the case for hearing. The tribunal will immediately notify the parties of the hearing date.

- 10.** The hearing will take place at **10 Alfred Place, London, WC1E 7LR**. The tribunal may wish to inspect the property. Any such inspection will take place immediately following the hearing or at an alternative time and date with the consent of the parties and by arrangement at the hearing.
- 11.** The parties must agree a bundle of documents relevant to the outstanding issues. The bundle must be indexed with numbered pages and the documents must, so far as possible, be in chronological order. The claimant must prepare the bundle, and send 1 copy to the defendant and 3 copies to the tribunal at least **1 week** before the date of the hearing. The bundle must include copies of the following:-
- ◆ County court particulars of claim and acknowledgement of service
  - ◆ All county court orders including the order transferring the case to the tribunal
  - ◆ These and any subsequent directions
  - ◆ The section 25 notice or section 26 request
  - ◆ Any agreement extending the statutory period
  - ◆ Up to date official copies of the entries at H M Land Registry of the freehold title and leasehold titles with coloured plans
  - ◆ Any relevant superior leases with coloured plans
  - ◆ The existing lease and coloured lease plan
  - ◆ The new draft lease and coloured lease plan with any disputed terms highlighted in red
  - ◆ Each parties' expert report with full details of all comparables and a memorandum of agreed facts (See note attached)
  - ◆ A brief summary of the issues in dispute to be determined by the tribunal
- 12.** Each party having been given the opportunity to make representations as to the hearing date it will be postponed only in exceptional circumstances. Any request for a postponement must be made either at a postponement hearing or at the start of the first day that the case is listed for hearing in accordance with the tribunal's guidance.

**Whenever you send a letter or email to the tribunal you must also send a copy to the other parties and note this on the letter or email.**

**If the claimant fails to comply with these directions the tribunal may strike out all or part of its case.**

**If the defendant fails to comply with these directions the tribunal may bar it from taking any further part in all or part of these proceedings and may determine all issues against it.**

**Non-compliance could also result in the tribunal making an adverse cost determination.**

Date: .....

## **Comparable transactions**

Particulars of any comparable transactions included in the expert reports should contain the following details:

- a) the address of the property
- b) the age of the property
- c) a brief description of the property and its construction
- d) brief description of the amenities and the ancillary services
- e) the agreed net floor areas, measured in accordance with the RICS Code of Measuring Practice
- f) the nature of the comparable transaction (whether it is a new letting, a lease renewal or rent review)
- g) the date of the Lease in question, the date specified for the commencement of the term and the length of the term
- h) full details of all terms and conditions in the Lease which might have an effect upon rental value.
- i) the rent review pattern or period
- j) the names of the parties
- k) the figure which has been agreed in the open market or upon rent review.
- l) where the comparable is not within the personal knowledge of the expert an evidence sheet should be included signed by the party supplying the information and in whose knowledge the evidence lies
- m) a statement by the expert introducing the evidence that, to the best of his/her knowledge and belief, there are no circumstances relevant to the weight to be given to the transaction as a comparable other than those particularised.