



Ashurst

Global real estate
dispute resolution
Ashurst capabilities

Outpacing change

**“The team at Ashurst
are first class. They
provide clear, concise
and proactive advice
at all levels, with
great leadership.”**

Legal 500 2023, Property Litigation

Ashurst – global real estate dispute resolution practice

Experience in a broad range of disputes

Real estate projects and transactions frequently give rise to a broad range of disputes, including property insolvency, termination of leases and property agreements, development disputes, interpretation of property documents, rights over property, and high value/complex landlord and tenant disputes.

Strategic approach to real estate disputes

Our approach to dispute resolution is commercial and strategic. We consider our clients' objectives and work closely with our client teams in executing an agreed strategy. Avoiding a dispute or preventing one escalating is often the objective and, to this end, our team is experienced in alternative dispute resolution, as well as acting in national courts or before specialist tribunals.





Our team of specialists have extensive experience in advising our clients on a broad range of commercial real estate related matters such as:



tenant default



service charge



easements



restrictive covenants



**property related insolvency
and corporate restructuring**



rights of way



rent review disputes



**vacant possession strategies
to enable development**



breach of covenant claims



contractual disputes



lease renewal



profit participation disputes



termination rights

Experience highlights EMEA

Retail dispute

Advising a local Belgian investor on a real estate dispute with the other co-owners of a residential and retail property off the main Belgian shopping street.

Brussels

Investment dispute

Advising a Belgian real estate investor on a dispute with a lender over a real estate finance loan.

Brussels

Office lease dispute

Advising one of the largest EU funded associations in Brussels on a dispute with their landlord concerning the delay of the entry into force of their lease.

Brussels

Infrastructure dispute

Advising a major Japanese conglomerate on their dispute with a potential buyer of their Belgian property.

Brussels

Sale and purchase agreement dispute

Representing a UAE property developer in DIAC arbitration proceedings commenced by a purchaser seeking to terminate a sale and purchase agreement for residential property in Dubai.

Dubai

Property insolvency – CVAS

Advising several landlords on the impact of Company Voluntary Arrangements in the retail and hospitality sector.

London

Service charge dispute

Advising a landlord on a claim for damages arising from alleged failure to maintain M&E plant.

London

Defect dispute

Advising a tenant in a five-party High Court dispute arising from defects to establish liability as between the shopping centre owner, tenant and contractors.

London

Rights to light dispute

Defending High Court proceedings brought by a party who claimed to have the benefit of a right to light over the Tottenham Court Road East Crossrail station site.

London

Property insolvency – liquidation

Advising the Official Receiver of Thomas Cook on property-related liquidation aspects including disclaimer of leases, forfeiture, asset management and disposal issues.

London and Madrid

Telecoms dispute

Advising an investment fund owner of a shopping centre on installation of a Distributed Antennae System and application of telecoms code.

London

Contractual dispute

Advising on LCIA Arbitration proceedings in relation to a claim for damages based on loss of profits arising out of alleged unlawful termination of a hotel Operating and Management Agreement due to alleged failure to use reasonable endeavours to obtain all necessary operating licences.

London

Dilapidations disputes

Advising investors on substantial dilapidations claims in the Technology and Construction Court including one relating to a warehouse distribution centre.

London

Construction dispute

Advising Acciona Construcción, S.A. in the context of the disputes arisen in two different construction projects in Scotland (construction of a plant) and Norway (construction of a highway) with the respective foreign clients. Ashurst is acting as the legal counsel driving the strategy of the pre-litigious stage in both cases.

Madrid

Experience highlights EMEA (cont.)

Arbitration proceedings

Acting for Cobra Instalaciones y Servicios Internacionales, S.L. on the arbitration proceedings handled by the Spanish Court of Arbitration and aimed to allocate circa EUR 20,000,000 costs in the context of the execution of the Haramain High Speed Rail Project that links Makkah Al-Mukarama and Al-Madinah Al-Munawarah.

Madrid

ICC arbitration

Acting for Cobra Instalaciones y Servicios, S.A. on an ICC Arbitration seated in Geneva in the context of a turnkey contract in Bangladesh for the construction, testing, commissioning and erection of a transmission line. Ashurst is leading the advice and coordinating a Bangladeshi local law firm (Dr. Kamal Hossain & Associates), since the dispute is subject to the laws of Bangladesh.

Madrid

Annual rent dispute

Advising NH on the claim filed by said company against the owner of a hotel operated by NH in Cartagena, requesting the reduction of the fixed annual rent to be paid by virtue of the rebus sic stantibus clause as a result of the economic crisis resulting from the COVID-19 pandemic.

Madrid

Termination of a sale and purchase agreement

Advising Castl lake LLP on a dispute related to the termination of a sale and purchase agreement of a plot worth EUR 21,000,000 in Marbella, in the context of certain controverted decisions adopted by the Town Hall.

Madrid

Joint venture

Advising a joint venture of an English investment fund and a Spanish construction company on the claim for damages in the context of the defective works carried out in a building in the centre of Madrid.

Madrid

Construction defects

Advising Banco Sabadell in relation to a claim brought by a homeowner's association in relation to construction defects in a residential complex in Castellón of which Banco Sabadell had been the developer.

Madrid

Construction defects

Advising Castlelake LLP in relation to two claims brought by homeowners' associations as a result of the existence of construction defects in two residential buildings in Barcelona of which Castlelake's entities had been the developers.

Madrid

Three-party civil court dispute

Assisting a REIF, managed by the leading Italian fund manager, in a three-party Civil Court dispute regarding the violation of a tenant's statutory pre-emption right and the relevant right of redemption - brought by a primary Italian Bank - over certain office real estate units located in Segrate (Milan, Italy).

Milan

Investment management Pre-dispute advisory

Advising an international investor on vacant possession strategies to enable development in relation to an asset located in the centre of Milan.

Milan

Investment dispute

Representing an Italian real estate investment fund in Court proceedings brought by promissory purchasers (disputing on breach of covenants, termination of PSPA and earnest money recovery), as well as tenants (disputing on rent reduction and damages caused to leased property).

Milan

Experience highlights EMEA

(cont.)

Contractual dispute

Representing a real estate company who specialise in business premises management and office space leasing as part of proceedings instituted by the lessee relating to the termination of a commercial lease agreement due to health and security issues (including asbestos and air quality).

Paris

Contractual dispute

Advising an international investor on property investment and asset management issues relating to assets located in Paris.

Paris

Infrastructure dispute

Representing a co-owner in a multi-million litigation regarding recurring maintenance and inspection costs regarding a landmark infrastructure/office building in Frankfurt.

Frankfurt



**Investment dispute**

Advising the real estate division of a major European bank in a controversy with a German pension fund regarding potential claims arising out of an aborted real estate transaction.

Frankfurt

Real estate company

Advising a real estate company in the context of damages in a building with a view to expert proceedings and matters of legal recourse.

Frankfurt

Medical product supplier

Representing a medical product supplier in a construction dispute regarding a production plant in Germany.

Frankfurt

Sale and purchase agreement dispute

Advising a family investment company in a four-party Civil Court dispute related to the alleged unlawful termination of a sale and purchase agreement for a luxury property located in Val d'Isère (French Alps).

Paris

Experience highlights Asia Pacific



Hotel dispute

Advising on an LCIA arbitration relating to claims for damages based on loss of profits arising out of alleged unlawful termination of a hotel due to an alleged failure to use reasonable endeavours to obtain all necessary operating licences.

Sydney

Nuisance dispute

Representing the plaintiff in an ACT Supreme Court noise nuisance claim on allegations that the Defendant (which is the Units Plan) is continuing a noise nuisance which derives from faults in the design or construction of the apartment building.

Sydney

Commercial dispute

Advising a leading real estate services company on commercial disputes and also regulatory issues.

Sydney

Restaurant dispute

Advising a restaurant chain on the termination of leasing agreements, 'make good' claims and disputes over bank guarantees in relation to the premises.

Sydney



Acquisition dispute

Acting in high profile high value multiparty Supreme Court litigation regarding a compulsory acquisition involving allegations of misleading and deceptive conduct (related to the purpose for which it was said the land was to be acquired). The proceedings raised issues that impacted on the way in which and the forms used for all compulsory acquisitions in NSW and were attended by considerable media interest.

Sydney

Hotel dispute

Representing the investor in a marquee hotel development. This involved a complete restructure of the contractual structure; responding to various claims submitted to various certifiers; reviewing solvency risk; advising on press releases; supporting the administration of the new target cost structure in policing the negotiation and letting of various subcontracts and liaison over lease issues associated with delay and dates with the government authority that owns the leasehold.

Sydney

Cladding dispute

Advising a tenant and various landowners in relation to liability for combustible cladding under the relevant industry codes and the conditions of lease. These matters have involved audits of various property portfolios.

Sydney

Commercial dispute

Advising a client in relation to make good obligations arising out of a heavy industry site and considering fair wear and tear, pre-existing defects and joint usage of common areas.

Sydney



Top tier firm practising in real estate

Ashurst is a top tier firm practising in real estate. We are one of a handful of large global law firms for whom real estate remains a key area of focus and of strategic importance. We offer the highest calibre of real estate, planning, construction, environmental, tax, real estate finance, disputes and corporate lawyers within one firm.

We deal with buildings from cradle to grave and can work with clients throughout the entire property lifecycle, depending on our client's requirements and at what stage in the property cycle they require support.

We build teams that are specific to our clients' needs, combining local industry and legal knowledge with cross-border expertise. This means we are well placed to advise on the flow of capital from its source, through to support on the key markets where that capital is invested, and to assist with the development and maintenance of the asset.

Our strong market position is demonstrated in our industry rankings, notably **Tier 1 for Commercial property: Investment, Commercial property: Development and Commercial property: General in the Legal 500 UK 2023.**

Our full service offering includes:



Real Estate Investment

Our real estate investment team is well known and respected in the market. Our lawyers have extensive experience of every legal aspect of real estate investments specialising in high value acquisitions for overseas investors, and have advised on some of the most high-profile deals in the market. The team also advises new and long-standing clients on investments and acquisitions, often involving joint venture arrangements, throughout the lifecycle of a real estate transaction.



Real Estate Finance

Acting for investors, lenders and borrowers, the team has a comprehensive understanding of how transactions are structured and funded, enabling it to be both commercially pragmatic and legally robust in its approach. We advise on real estate assets across a number of sub-sectors including hotels, residential property, student accommodation, retail and prime office real estate. We also have extensive experience in advising on development finance.



Real Estate Funds

Ashurst is widely recognised as one of the world's leading investment fund practices. We have a demonstrable track record of working with fund sponsors to deliver efficient fund raisings, and experience on structuring and formation of investment funds.



Asset Management

We understand that asset management is critical for adding value and we get involved at all stages of the process, both high level in terms of proposals for the entire site and dealing with particular tenants. In our view asset management is at the heart of driving value, and having a team that understand the importance of asset management is critical.



Real Estate Development

Our market leading real estate development team deals with all aspects of developments, with expertise in acquisitions and site assembly, planning, joint ventures, structuring, financing, construction, letting and disposal. Our team acts across all sectors from residential, retail and offices to logistics, over station development, infrastructure and major regeneration projects.



Construction

Our construction group provides legal services required to deliver a construction project from concept to delivery.

We advise private and public clients on the construction aspects of all types of property investment, development, sales and purchases. The group also advises on procurement strategy and structure and will negotiate all forms of engineering and construction contracts and associated security documentation. Our construction and infrastructure dispute resolution team are experienced in resolving issues and disputes that may arise.



Planning & Environment

The planning and environment team at Ashurst comprises one of the most experienced groups of planning and environment lawyers, a number of whom have previously worked within local authorities and other public bodies. We are recognised leaders in handling complex regeneration and infrastructure projects for the public and private sectors.



Real Estate Tax

Our tax lawyers work closely with our real estate team to structure investments in property around the world in a tax efficient manner. We are experts in relation to the direct and indirect tax aspects of all real estate and real estate related transactions. This means we are able to provide a seamless service to our clients which includes funders, investors, managers and developers.



Corporate Real Estate

Our global corporate practice is central to our business. We are well-resourced in major commercial centres to advise on M&A, private equity, joint ventures, equity capital markets, reorganisations, governance and regulatory issues. This means that our lawyers have the range of experience to advise your business on its reputational and legal risks throughout its lifecycle.

Key contacts

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