

LETTERS

Legal protocol would help

As a company dedicated solely to helping large multi-site occupiers minimise their leasehold liabilities, we applaud the authors' initiative in the article "Consenting Adults" (Practice & Law, 20 September, p118). Our greatest difficulties are generally encountered when trying to work with landlords to achieve sublets and assignments.

The protocol would: remove the opportunity for the recalcitrant landlord to hinder the process on the basis of a theoretical lack of

information; put an end to the stalling tactics, in the guise of lack of engagement, frequently deployed by landlords in the hope that we will just go away; and encourage asset managers to more actively consider subletting and assignment opportunities which, in many cases, add value to their properties.

We strongly support the proposal to agree to enter into arbitration in the case of disputes. We would, however, suggest that this must be agreed at the outset of discussions and to be binding on both parties. Unless the situation is black and white, most landlords count on the tenants' reluctance to fund litigation and unwillingness to

see through the lengthy and risky process.

Today, standard lease wording notionally provides a procedure for dealing with alienation, but many landlords fail to act in the broader definition of "reasonable".

Without the protocol put forward by the authors, the constant manipulation of procedure to avoid decision-making will continue to leave the courts as the only avenue for resolution.

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