

Schedules Of Condition: For Better Or Worse

James McAllister, Director of The Dilapidations Consultancy, looks at the oft-misinterpreted wording surrounding the application of Schedules of Condition in leasehold repair covenants.

[Abstract]

Business tenants with the foresight to have obtained a Schedule of Condition at the outset of their lease may take some comfort in the fact that they have the 'protection' of documentary evidence as to the condition of the landlord's premises at lease commencement. What they may not know, certainly at the time of signing the lease, is just how much protection this might afford them; and as with all things legalese, it hangs on the wording.

This article explores the practical and legal implications when considering the interplay between the terms to keep in 'no worse' and 'no better' condition.

(Continued...)

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