

MSc Law and Professional Practice

Professional Law Institute



Land Law

Formative Question (50 marks)

From: Chloe Sheppick

Sent: [Date formative undertaken]

To: You

Subject: Warehouse 14, Mallory Industrial Estate, Bournemouth, BH1 1AA (the 'Warehouse')

Hi

I have now had another conversation with Jack Finehurst. He wants some advice on the Licence I previously sent you that relates to the Warehouse. This was drafted by a letting agent, who assured Jack that a licence had been created that could be terminated easily if needs be, and Jack didn't pay much attention to this as the licensee, Pets Bedding Ltd, is owned and managed by Jack's cousin, Greta. Unfortunately, the relationship with Greta has soured and Pets Bedding Ltd have failed to pay their licence fee for several months. Jack wants to get them out of the Warehouse so he can put a long-term lease in place with another tenant. However, Pets Bedding Ltd are arguing that they have a lease so he cannot terminate their arrangement. Apparently they want to stay as they have recently employed a security guard for the Warehouse after a number of break-ins and have so much stock to store that the entirety of the Warehouse is now full.

Can you please look again at the Licence to assess whether this is a licence, or in fact a lease, and what the resulting consequences of that may be. We also need to look at whether Jack can remove them from the Warehouse on the basis of non-payment of the licence fee.

Many thanks

CSH