21. Leasehold Covenants

Land Law: Text, Cases & Materials (4th edn)
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Publisher: Oxford University Press
DOI: 10.1093/he/9780198806066.001.0001

All books in this flagship series contain carefully selected substantial extracts from key cases, legislation, and academic debate, providing able students with a stand-alone resource. This chapter explores the concept of a leasehold covenant. It investigates the mechanisms by which both negative and positive leasehold covenants bind subsequent purchasers of the lease from the original tenant and subsequent purchasers of the freehold reversion from the landlord. It also considers the law governing the enforcement of leasehold covenants and the process of forfeiture by which a landlord can bring the lease to an end for a failure by the tenant to perform the tenant’s covenants. In addition, it focusses on forfeiture, as the most common measure with which to compel the performance of the tenant’s covenants. Forfeiture is the process by which a landlord can extinguish a lease by exercising a right to re-enter the premises. It provides ‘an essential management tool, particularly in relation to commercial and long residential leases’, but it can also be a heavy-handed response.
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