



Dilapidations for Tenants

While some Tenants will be large household names with several hundred properties around the country many commercial properties are leased to companies with a single working location or a few properties in a local geographical area. This short PDF is intended to give a very brief overview of dilapidations. There is no substitute for professional advice specific to your requirements.

Dilapidations is the general process of defining breaches in a lease by a Tenant either during or on termination of a lease.

The Procedure is defined by the Dilapidations Protocol, of to give it its full name, *Pre-Action Protocol for Claims for Damages in Relation to the Physical State of Commercial Property at Termination of a Tenancy*.



It is essential for Tenants to understand and comply with their obligations set out in the lease. Dilapidations is largely concerned with the physical condition of the property during the tenancy and at lease end.



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When do I need to consider my dilapidations liabilities? In short, before you sign your lease. The longer you leave it, the less control you'll have over the process. Ultimately, if you do nothing to consider your dilapidations liabilities, you will have no control over the claim coming your way.

Pre-Lease

Before your lease is signed, you should commission a schedule of condition of your building. This will accurately record, both written and with photographs, the condition of the demise prior to taking occupation. This should be appended to your lease and will help set out the condition of the property. Your repairing obligations should then be worded to reflect the condition of the building as referenced in the schedule.



During the Lease

Keep the property in good repair. Keep gutters clean, windows washed, and redecorate as the lease requires. Treat it as your own, or as you would expect someone else to maintain the property if you owned it and rented it out.

For larger properties, start considering your exit strategy at least two years from your lease end date. Negotiating a new lease is a different approach to leaving the property, so take advice early.

Consider commissioning a pre-dilapidations advice report. The surveyor will review your lease, inspect and report on your dilapidations liabilities as if they were acting for the Landlord. This will help you understand your liabilities and what areas of repair, reinstatement of redecoration are required. Doing this early, helps you plan and organise finances for any works required.

Dilapidations is a complex area of law specific to commercial properties. As Chartered Building Surveyors, we advise both Landlords and Tenants on dilapidations matters. Drop us an email on info@westone-uk.com to arrange an initial no-obligation call to discuss your requirements.

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