

Settlement negotiations: a property perspective

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Property cases

- Easements, boundaries
- Can be low value

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Benefits of settlement

- Certainty
- Control
- Ability for creative solution
- Ownership
- Neighbour
- Value on sale



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Costs issues

- Insurers
- Reluctance to settle



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Early or late settlement

- Need to carry on living near the neighbour
- Entrenched positions
- Costs

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Early disclosure

- Advantages
- Disadvantages

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Witness evidence

- Prospects
- Entrenching positions
- Costs

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Expert evidence

- Benefits
- Limitations

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Approaches to dispute resolution

- Direct negotiation
- Mediation
- ENE (NB Lomax v Lomax)
- PTSH

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The importance of good legal advice

- Applies to both parties
- Montgomery v Lanarkshire Health Board
- Don't get too involved
- LEI
- Being realistic

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Compromise

- Easements, boundaries
- Can be low value



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It's time for Questions & Answers

Questions Welcome

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