

## Example essay questions with suggestions for a good answer Chapter 8 – Leases

**‘The case of *Bruton v London and Quadrant Housing Trust* (2000) delivered a radical challenge to the orthodoxy of *Street v Mountford* (1985) and the law of leases more generally.’ Discuss.**

- This question requires a close analysis of the *Bruton* decision and its implications. At the same time, you must be able to identify how the decision offered a challenge to the traditional understanding of leasehold as epitomised by *Street*.
- Identify the essential characteristics of a lease – that it is one of only two legal estates in land; that it is proprietary in nature. Locate the elements of a lease: exclusive possession, for a certain term, at a rent. Note that rent is not necessarily but evidentially useful.
- Provide the background to *Bruton* – briefly outline the facts and the legal issue. Reflect on the Latin maxim ‘*nemo dat quod non habet*’ (‘no one gives that which he does not have’) which appears to be breached by *Bruton*.
- What did *Bruton* decide and how did the court reason its decision?
- What is the true significance of *Bruton*? Is it confined to its facts? Has it been followed? Consider *Green* (2005) and *Kay* (2006).
- Are there any limitations to the outcome in *Bruton*? On whom was Mr Bruton’s tenancy binding?
- Can the decision be explained by policy considerations?
- Explore academic commentary: McFarlane and Simpson (the ‘purposive statutory interpretation’ argument) and, in particular, Rowley, who has argued that the outcome in *Bruton* could have been reached by reference to traditional property principles of tenancy by estoppel.
- Conclude by drawing together your thoughts on the real impact on the *Street* orthodoxy. Can we simply confine *Bruton* to its facts and thereby minimise its significance?