

# Top 5 Commercial Lease Disputes & How to Resolve Them

*Understand the implications of key, heavily negotiated commercial lease terms*

Lease agreements can often be seen as a necessary burden to get through while on the way to starting or growing a business or developing a piece of property. The terms and conditions contained in a lease can, however, make or break a relationship or a business many years after the agreement was originally signed. Hear the panelists discuss the top five most common commercial lease disputes that landlords and tenants encounter while drafting and negotiating a lease agreement—and how they could come back to haunt the relationship in the future.

## Agenda

- **Additional Rent Provisions**  
What is included in operating expenses?; Caps on operating expenses; Gross up provisions; Capital expenditures
- **Build-Out Issues/Delivery of Space**  
Risk of delay; Tenant requests to make changes to plans; TI allowances—process for disbursement; Set off rights; Timing of delivery of space—and tenant rights if delivery is delayed
- **Maintenance Responsibilities**  
Scope of landlord and tenant responsibilities; Responsibility for building-systems—including the differences in types of leases; Self-help rights (set off rights)
- **Use Issues**  
Use clauses in retail leasing (exclusives/restrictions); Zoning review; Changes of use
- **Option Issues**  
Extension option issues; Expansion options; Early termination options

## Speakers



**SUSAN W. DAVIS** is a partner in the Boston office of Nelson Mullins, a national law firm with more than 800 attorneys and offices in 11 states. Susan practices commercial real estate law, including the representation of owners and investors in acquisitions, dispositions and financings of multi-family, office, industrial and retail properties. A primary focus of Susan's practice is the representation of landlords and tenants in office leasing matters. Susan has been an active member of CREW Boston for many years. She earned her B.A. from the College of the Holy Cross and her J.D. from Boston University School of Law.



**DANIEL C. JOHNSTON**, an associate at Sherin and Lodgen in Boston, is a commercial real estate attorney who provides clients with practical insights into development, permitting, leasing, acquisitions, and dispositions. Committed to pro bono, Mr. Johnston is involved with the Volunteer Lawyers Project, which provides legal representation to low-income tenants facing eviction, and Project Citizenship, which helps lawful permanent residents become naturalized citizens. He is a graduate of Boston University School of Law and is currently a member of the Boston Bar Association.



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Friday, October 29, 2021  
12:00 noon–1:00 pm

Register at [www.mcle.org](http://www.mcle.org)  
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### REBROADCAST CC

Monday, November 15, 2021  
3:00 pm–4:00 pm

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### REBROADCAST CC

Tuesday, November 23, 2021  
9:30 am–10:30 am

Register at [www.mcle.org](http://www.mcle.org)  
Program Number: 2220042RB1

### ON DEMAND WEBCAST CC

View after Tuesday, November 23, 2021

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