

News 21.12.2022

# Coronavirus and commercial leases: Supreme Court opens door on section 1722 old Civil Code

A tenant can claim the dissolution of the lease, or a reduction of the rent, if the leased property has been wholly or partially destroyed (art. 1722 old Civil Code). The demise may be material (e.g. collapse), but also legal (e.g. refusal of a licence).

Does the lockdown of non-essential commercial property fall under 'legal nullification'? Can a commercial tenant then claim a rent reduction for that period? Certain case law ruled that yes ; certain other rulings ruled the opposite.

The Supreme Court was - eventually - given the opportunity to rule on this issue, but only did so (very) narrowly.

This article is available in French and Dutch.

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