

Expert Lawyers in real estate conflicts

Real estate conflicts are those that arise from properties, construction works, neighborhood relationships, controversies with tenants, conflicts with the Town Council, taxation, etc.

These types of conflicts are characterized not only by the diverse regulations that rule the real estate sector but also for the technicality of the Law.

It is usually necessary the intervention of architects, engineers, and experts when the conflict is based on a building process.

It is also necessary to have high knowledge of the Registry of the Property's Law, and of course, all the tax aspects that real estate conflicts can involve.

We have provided extensive advice to different investors and real estate companies on sale and purchase transactions of real estate, plots, real estate portfolios, and conflicts in construction works due to defects in the construction, accidents at work, claims to experts, defense, or accusation of developers, construction firms, architects, among others.

LEGAL EXPERIENCE

More than 78 years of experience giving legal advice and defending companies, individuals, and groups certifies the legal path of Giménez-Salinas Law Firm. An invaluable experience that we apply to all our cases and clients.

MULTIDISCIPLINARY

Throughout our professional experience, we have handled hundreds of conflicts in many different sectors and areas of law. We have a highly qualified and multidisciplinary team of lawyers and attorneys.

PERSONALIZED

One of the characteristics that define us is offering our clients a personalized service, our clients are informed on every stage of their cases and have a direct relationship with the lawyers or attorneys who handle their affairs.

REAL ESTATE CONFLICTS: EXAMPLES

Down below we describe the most common conflicts in the real estate sector.

RESPONSIBILITY OF THE BUILDING COMPANY OR THE PROPERTY DEVELOPER

Both, the building company and the property developer, have a specific liability regime that distinguishes the issues regarding the last tweaks of a construction work, defects on the soundproofing and/or the sealing, and defects regarding the structure of the building. For each type of building defect, the Law foresees different periods of one, three, and ten respectively, to claim the property developer, the building company, and other parties involved in the construction process.

CONFLICTS BETWEEN NEIGHBORHOODS

Neighborhood relationships can be a source of conflict when it comes to noises, illegal constructions, default in the payment of community fees, etc. In these conflicts, it will be applicable administrative law of both the local and autonomic administrations, and it is possible as well to apply autonomic civil law if it has been developed.

CONFLICTS REGARDING PROPERTY RIGHTS AND OTHER REAL ESTATE RIGHTS

Sale Purchase agreements may result in conflicts regarding the compliance of the terms of the payment and other contractual conditions that can derive in the resolution of the contract.

CONFLICTS WITH A TENANT

The rent of houses, factories, industrial units, and other types of properties can lead to a conflict between the owner and the tenant. The rental agreement of a house as a very specific regulation and the rules regarding the protection of people at risk of social exclusion will have to be taken into account.

CONFLICTS WITH THE PUBLIC ADMINISTRATION

Administrative regulations regarding urban planning are very complex. On occasions, the conflict may arise from the denial of the administration to authorize the owner to start the construction process or to destine such property to a different activity. These conflicts have to be solved via the administrative process.

LEGAL TOOLS TO MANAGE REAL ESTATE CONFLICTS

● NEGOTIATION AND CONTRACT

The best tool is always to prevent these conflicts by arranging an appropriate contract for every kind of operation. In the contract, it is possible to foresee the conflicts that can arise with the aim to be ahead of time and agree on the solution. Once the conflict is given, the best option is to negotiate, and sometimes this is the only tool if we want to find a satisfactory solution. For example, in a conflict with a tenant, in which a judicial procedure can aggravate the situation and make it longer, it is much better to have a fast but still satisfactory agreement, rather than a long judicial procedure.

● ADMINISTRATIVE COMPLAINT

In other conflicts, like the ones derived from neighborhood relationships, an administrative complaint can be a very useful tool, in those cases of illegal constructions, excessive noises, or illegal vacation rentals.

● OWNERS' ASSEMBLY

In neighborhood conflicts, the owners' assembly should be the place to find a solution to any conflict, thanks to the votation. It is necessary to take into account the terms to call the owners' assembly, and the requirements for it to be valid.

● JUDICIAL PROCEDURE

There are conflicts that will have to be settled in a judicial procedure. The judicial procedure may come after the request of precautionary measures, such as a preventive annotation in the Property's Registry. Depending on the nature of the conflict will be relevant the intervention of experts, architects, and engineers to prove the damages and the causal relation.

● ADMINISTRATIVE PROCEDURE

Urban conflicts are settled first through an administrative procedure, and if no solution is found it is possible to settle it in the contentious-administrative jurisdiction.