

## Northwood (Solihull) Limited v Fearn & Ors (2022) EWCA Civ 40



In a rare win for landlords, the Court of Appeal decided in the case of *Northwood (Solihull) Limited v Fearn & Ors (2022) EWCA Civ 40*, that an employee or agent acting on behalf of a landlord can sign section 21 and section 8 notices, and tenancy deposit prescribed information documents on their behalf.

The case originated as a possession claim based on a section 8 notice. The tenant argued that the section 8 notice was invalid as it was simply signed by a property manager employed by the landlord and not in accordance with section 44 Companies Act 2006. The tenant argued that where the landlord or agent is a company, all documents should be required to be signed by a director and a witness, by 2 directors or by affixing the company's common seal to the document. The same argument was raised in respect of the tenancy deposit prescribed information and a counterclaim was made by the tenant pursuant to section 214(4) Housing Act 2004.

The landlord, however, put forward that just as an agent can sign for a landlord, an employee of a company is its agent and can sign on its behalf.

The court decided in favour of the landlord, that an employee or agent acting on behalf of the landlord can sign notices and the prescribed information on their behalf provided the individual is authorised to do so, this authorisation can be express or arguably implied by law.

While this is a good outcome for corporate landlords, they must still be very careful that an authorised person is signing documents.



## How we can help

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