

QUEENSLAND LAWYER

Volume 27, Number 3

December 2006

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A vendor who terminates a land contract for the purchaser's failure to complete is presented with a choice of remedies under the standard land contract in Queensland, namely to recover unliquidated damages assessed in accordance with common law principles or liquidated damages as allowed by the contract. The nature and assessment of the loss recoverable by a vendor at common law remains contentious with decided cases in the area producing inconsistent results. This article provides practical guidance for the resolution of such inconsistencies. It also critically compares the loss recoverable at common law with contractual liquidated damages and focuses on the usual measure of loss, consequential or additional loss and the treatment of the deposit and any profit on resale.	
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ISSN 0312-1658

Typeset by Lawbook Co., Pyrmont, NSW

Printed by Ligare Pty Ltd, Riverwood, NSW