

# Property



“Allows its tremendous work to speak for itself” Chambers UK

“Great strength in depth in all matters relating to land law, landlord and tenant, and Chancery issues.” Property section, *The Legal 500*

Members are experienced advocates in property cases in courts and tribunals at all levels. We are also instructed in property matters arising in a number of overseas jurisdictions.

Our members have extensive experience in both mediation and arbitration, and some of our members practising in this field are themselves qualified mediators.

In addition to litigation, members are regularly instructed to advise and undertake drafting in connection with development proposals and other transactional work.

Whilst most of our instructions come from solicitors, we also receive instructions directly from local and other public authorities and from property professionals such as chartered surveyors, architects and structural engineers and planning consultants.

Included in our areas of expertise are:

- Agricultural Law
- Commercial Landlord and Tenant
- Residential Landlord and Tenant
- Mines and Minerals
- Fisheries
- Mortgages
- Real Property
- Local Authorities
- Planning
- Rating
- Compulsory Purchase & Land Valuation

## Publications

Malcolm Waters QC and Elizabeth Ovey are members of the joint Oyez/Law Society committee responsible for drafting the first to fifth editions of the Standard Conditions of Sale and the first, second and (forthcoming) third edition of the Standard Commercial Property Conditions.

David di Mambro is Specialist Editor of *Hill and Redman's Law of Landlord and Tenant* published by Butterworths.

## Cases of Note

***Di Marco v Morshead Mansions Ltd*** [2014] EWCA Civ 96 – whether the obligations of the landlord under ss. 21 and 22 Landlord and Tenant Act 1985 are enforceable by mandatory injunction (Edward Hicks, William Moffett)

***Mactra Properties Ltd v Morshead Mansions Ltd*** [2013] EWHC 224 (Ch) – interpretation of requirement for the production of service charge accounts ‘as soon as practicable’; whether the language used imported the accruals basis of accounting and what was meant by an expense being ‘incurred’ (William Moffett)

***Highbury Pension Fund Management Co and another v Zirfin Investments Ltd and others*** [2013] 3 All ER 327 - marshalling of securities and subrogation involving high value properties in Brompton Square (Adam Deacock)

***Ikkal v Sterling Law*** [2013] EWHC 3291 (Ch) – liability of purchaser’s solicitor for breach of trust where purchase money misappropriated by purported vendor’s solicitor; whether relief should be granted under Trustee Act 1925, s. 61 (Peter Dodge)

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**Smart v The London Borough of Lambeth** [2013] EWCA Civ 1375 – where the Claimant claimed title to property by adverse possession, to what extent the Defendant expressly or impliedly consented to the Claimant’s occupation of the property when it put in place a scheme for the upkeep of that and a number of its other properties (Simon Williams)

**Wright v Building Heritage Ltd** [2013] UKPC 10 –action under the Quietening Titles Act 1959 for declaratory relief as to ownership of land in the Bahamas (David di Mambro, Wendy Mathers)

**Capital Home Loans Ltd v Bennett Griffin LLP** [2013] EWHC 2613 (Ch) – construction of a term waiving privilege in a mortgage application form (Wendy Mathers)

**Faidi v Elliot Corporation** [2012] EWCA Civ 287 – claim for breach of covenant and nuisance by flat lessee (Robert Pearce QC)

**Green v Eadie** [2011] EWHC B24 (Ch) – claim alleging misdescription of the extent of land included in a sale of residential property; applicable limitation period (William Moffett, Nathan Wells)

**Islam v Al Sami** [2011] EWCA Civ 32 – construction and effectiveness of an equitable charge (Simon Williams)

**Brent LBC v Shulem B Association Ltd** [2011] EWHC 1663 (Ch) – Landlord and Tenant Act 1987, s.20B; a demand for payment of estimated costs was not a valid demand under the lease, and a notice served under section 20B(2) had to state that costs had been incurred and give a figure for them (Marie-Claire Bleasdale)

**Fineland Investments Ltd v Pritchard** [2011] EWHC 3901 (Ch)1424 (Ch)113 (Ch) – court upheld a contract for the sub-sale of a council house purchased under the right to buy legislation, and provided relief including injunctive orders to enable the claimant to obtain possession of the house (Marie-Claire Bleasdale)

**Vines Ltd v de Mauny VIO** [2010] UKUT 322 (LC) - the only reported challenge to the rateable value of car show room premises in the 2005 List - weight of comparable evidence, relativity, quantum allowance and masting (Clive Moys)

**Ofulue v Bossert** [2009] UKHL 16 – leading authority on adverse possession, acknowledgment of title and the without prejudice rule (Simon Williams)

**McLean Estates Ltd v Earl of Aylesford** [2009] EWHC 697 (Ch) – whether reservation of mines and minerals extended to Keuper Marl (Keith Rowley QC, Mark West)

**Dartmouth Court Blackheath Limited v Berisworth Limited** [2008] EWHC 350 (Ch) – acted for the landlord in one of the leading cases relating to tenants’ pre-emption rights under the Landlord and Tenant Act 1987 (Gary Lidington)

**ETG Developments v Noah** [2008] EWCA Civ 1499 – acted for the Respondent in the Court of Appeal in successfully resisting an appeal involving the construction of a deed granting a right of way, on grounds other than those relied upon by the judge at first instance (Gary Lidington)

**Banfield v Leeds Building Society** [2007] EWCA Civ 1369 - whether endowment mortgage or repayment mortgage; no obligation to account in respect of a mortgage indemnity guarantee; effect of failure to surrender insurance policy on existence of possession action (Mark West, Frances Ratcliffe)

**Creque v Penn** [2007] UKPC 44 – registered conveyancing in the BVI (Nathan Wells).

**Montrose Court Holdings Ltd v Shamash** [2006] EWCA Civ 251 – claim concerning the validity of parking regulations made by the freeholder of a block of flats; easements to park (Robert Pearce QC)

**Donington Park Leisure Ltd v Wheatcroft & Son Ltd** [2006] EWHC 904 (Ch) – terms of licence for car parking ancillary to lease of Donington Park motor racing circuit (Keith Rowley QC, Katherine McQuail)

**Avonridge Property Co Ltd v Mashru** [2005] UKHL 70 – anti-avoidance provisions of the Landlord and Tenant (Covenants) Act 1995 (Nathan Wells)

## Areas of Expertise

Banking and Financial Services  
Charities  
Commercial Disputes  
Company  
Consumer Credit  
Court of Protection  
Insolvency  
Partnership and Joint Ventures  
Pensions  
Professional Liability  
■ **Property**  
Tax  
Trusts  
Wills and Estates  
Mediation and Arbitration  
International

## Members of Chambers practising in this area of law

Malcolm Waters QC	Katherine McQuail	Edward Hicks
Keith Rowley QC	Adam Deacock	Josh Lewison
Robert Pearce QC	Peter Dodge	Wendy Mathers
Francesca Quint	Marie-Claire Bleasdale	Catherine Doran
David di Mambro	Dov Ohrenstein	Natalie Brown
Gordon Nurse	Kate Selway	Daniel Burton
Michael Heywood	Douglas Keel	Henry Day
Stephen Acton	Clive Moys	Nicholas Macklam
Elizabeth Ovey	William Moffett	Jonathan Edwards
Thomas Dumont	Nathan Wells	
Ulick Staunton	Gary Lidington	
Simon Williams	Mark Mullen	
Piers Feltham	Joshua Winfield	
Howard Smith	Marcus Flavin	
Mark West	Frances Ratcliffe	
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