

Brittany Pearce
Barrister



YEAR OF CALL: 2015

INN: MIDDLE TEMPLE

“ Brittany provides expert advice, is professional in her manner and approachable. Her advice is detailed yet practical.”

LEGAL 500, 2021

Practice Overview

Brittany has recently joined the Chancery team, formerly a barrister at Guildhall Chambers. She is ranked as a 'rising star' in tier 1 for The Legal 500 guide in her specialist areas, and is described as an *"effective advocate, and excellent in dealing with clients"*. Brittany specialises in real property disputes and probate & trust cases. She is comfortable dealing with a variety of procedural matters and has appeared in the county courts, tribunals and the High Court.

Brittany is often involved in all stages of property disputes, ranging from initial advice through interlocutory matters, settlement efforts, trial and enforcement. Her primary focus is to provide the client with realistic advice at an early stage so that the optimum outcome can be achieved at proportionate cost.

Areas of Expertise

Real Estate

Brittany has acted for clients in a range of real property matters, including boundary disputes and adverse possession claims, the enforcement of restrictive covenants and the creation and infringement of easements. Brittany's focus is on achieving a workable, cost-effective solution at an early stage, but where that is not possible, she is comfortable appearing in multi-day hearings, such as the matter of *Irvine & Prazsky v Clement* [2018] UKFTT 0610 (PC), in which she successfully resisted a claim for adverse possession, dealing with discrete elements of the law of adverse possession such as the impact of the grant of tenancies on the running of time and the type of use that could be expected of different types of land.

Brittany is comfortable with technical arguments pertaining to the tribunal's jurisdiction, having dealt with such issues in cases concerning the determination of boundaries, as well as in service charge disputes, and is able to assist clients in deciding whether to pursue disputes in a tribunal or through the courts.

Brittany is at ease dealing with the cross-examination of experts and is comfortable running technical or complex arguments. However, she also recognises the importance of advising a client in plain English, ensuring that they are able to understand the risks and range of outcomes and make informed decisions.

Landlord and Tenant

In commercial matters, Brittany has experience of acting for both landlord and tenant in opposed and unopposed lease renewals under the Landlord and Tenant Act 1954, disputes concerning assignment (including issues of delay or reasonableness), the enforcement of covenants and claims for possession (including arguments concerning forfeiture, waiver and relief). Brittany has advised clients at an early stage on matters such as the likelihood of making out various grounds of recovery, and regularly appears in trials concerning the terms of lease renewals.

Brittany also regularly advises and appears on behalf of landlords and tenants alike in residential matters, in issues ranging from possession, to disrepair, service charge disputes and to the acquisition or extension of leases. Brittany is able to suggest practical courses of action in matters that are not straightforward; recently she advised a tenant on the appropriate course of action in circumstances where the tenant wished to purchase the freehold of his dwelling, but the landlord was unable to prove his title.

Her knowledge also covers discrete points, such as the law as it relates to the service of notices. Her knowledge of the technical aspects of the law means that she is able to pick up on obscure points at an early stage that require careful management in order to ensure that they do not cause difficulties down the line.

Wills & Trusts

Brittany has a broad range of experience in dealing with disputes on behalf of both beneficiaries and trustees or personal representatives. Brittany is often instructed in claims seeking relief under the Trusts of Land and Appointment of Trustees Act 1996, and on associated matters such as claims for an equitable account. She also regularly advises on the construction of trust documents or wills, charitable bequests, and is happy to discuss with trustees and executors the extent of their duties. Brittany's experience also extends to advising on matters such as constructive or resulting trusts, and assisting clients with claims concerning the Inheritance (Provision for Family and Dependents) Act 1975.

Brittany is often engaged in probate proceedings, and has diverse experience of matters such as obtaining grants ad colligenda bona, the removal of caveats, the proving and validity of wills, the removal of executors and actions under the Presumption of Death Act 2013.

Related Articles

- ▶ Latest Court of Appeal case to consider the application of Practice Direction 51Z to possession proceedings during the coronavirus pandemic
- ▶ The long arm of Practice Direction 51Z
- ▶ Short term letting post Covid-19

Recommendations

"Effective advocate. Excellent in dealing with client and in taking part in mediation and without prejudice meetings and discussions."

LEGAL 500, 2021

CHANCERY, PROBATE AND TAX

"Brittany provides expert advice, is professional in her manner and approachable. Her advice is detailed yet practical. Brittany gains a very quick understanding of complex matters and provides realistic advice of the litigation."

LEGAL 500, 2021

PROPERTY AND CONSTRUCTION

Qualifications & awards:

- ▶ BPTC, Cardiff University
- ▶ Diploma in Law, Cardiff University
- ▶ Philosophy, Politics & Economics, Hertford College, University of Oxford

Professional memberships:

- ▶ The Honourable Society of the Middle Temple
- ▶ Chancery Bar Association

Contact Brittany:

Brittany.pearce@stjohnschambers.co.uk

Contact the clerks:

T: 0117 923 4720

E: clerks@stjohnschambers.co.uk