

Pandemic property pitfalls seminar

October 2021



St John's
CHAMBERS

CPD: 5 hours
Cost: £40 + VAT



Seminar locations and dates:

Cardiff:

Wednesday, 6th Oct
13.00-18.15

Hilton Hotel
Greyfriars Road
Cardiff
CF10 3HH

Truro:

Thursday,
14th Oct
13.00-18.15

Truro College
Threemilestone
Truro, TR1 3XX



Bristol:

Wednesday, 20th Oct
13.00-18.15

St. John's Chambers
101 Victoria Street
Bristol
BS1 6PU

Programme



Pandemic property purchase pitfalls: Property seminar series

1.00 - 6.00pm Property seminar series 2021

1.00 - 1.25pm **Arrival refreshments**

1.25 - 1.30pm **Welcome by Chair**
Christopher Jones, Head of Real Estate

1.30 - 2.00pm **The scourge of tree root encroachment**
Richard Stead, Barrister

2.00 - 2.30pm **Surrender: I [don't] want you back for good**
Adam Boyle, Barrister

2.30 - 3.00pm **Mistake, misrepresentation and non-disclosure in land contracts**
John Sharples, Barrister

3.00 - 3.10pm **Q&A**

3.10 - 3.30pm **Afternoon tea**

3.30 - 4.00pm **A practical guide to claiming ownership of registered land by adverse possession**
Charles Auld, Barrister

4.00 - 4.30pm **Restrictive covenants and what to do about them**
Annie Sampson, Barrister

4.30 - 5.00pm **Town and village greens from Newhaven to Lancashire – Are local authorities off the hook?**
Leslie Blohm QC, Head of Commercial and Chancery

5.00 - 5.30pm **Easements update**
Daniel Soar, Barrister

5.30 - 5.40pm **Q&A**

5.40 - 6.15pm **Drinks & canapes**

Our Truro event is in association with Cornwall Law Society



Presenters



Leslie Blohm QC,
Barrister, Call 1982
Silk Call 2006
St John's Chambers

"He always gives good, clear advice and is a true expert in his area. He's got a calm presence and a great brain on him. 'Outstanding – the leading silk for proprietary estoppel.' "

CHAMBERS UK, 2021
REAL ESTATE LITIGATION

Leslie has been awarded 'Chancery Silk of the Year' at the Chambers Bar Awards 2019, a prestigious award recognising Leslie's pre-eminence in his key practice areas. He is praised for having an exceptional real estate practice with extensive expertise in contracts for the sale of land, development and overage agreements, commercial landlord and tenant disputes and town and village green applications.

He acts for a range of clients from private individuals to local authorities to substantial corporations, and regularly acts in relation to property disputes often involving overlaps with other specialist areas of law such as partnership, insolvency and company law.

Specific areas of expertise include:

- Sale of land
- Restrictive covenants
- Mortgages
- License
- Easements
- Commons & village greens
- Torts relating to land



Richard Stead,
Barrister, Call 1979
St John's Chambers

"Richard is extremely experienced and capable."

CHAMBERS UK, 2021
CONSTRUCTION

Richard has considerable experience in property damage cases arising from fire, flooding, tree root induced subsidence, land slip etc, and in insurance coverage matters.

Throughout Richard's time at the Bar, he has undertaken civil jury trials and trials before a single judge where fraud is alleged. Fraudulent claims related particularly to fire, flooding and other forms of property damage, burglary and motor-car theft / damage.

Recent work includes:

- Acting for claimants in a case concerning insurance coverage of a claim for landslip / erosion.
- Acting for the local authority in a claim for tree root damage in TCC – two separate causes of movement found – complex expert engineering evidence – trial of liability and quantum – issues on costs due to alleged failure to engage in ADR.
- Acting for the defendant council in a claim by local residents in respect of flooding and land slip which led to the death of a local resident when a landslip demolished her house.



Charles Auld
Barrister, Call 1980
St John's Chambers

"Charles has a wealth of knowledge that he applies practically. In-depth, analytical and good with clients."

CHAMBERS UK, 2021
REAL ESTATE LITIGATION

Charles has considerable experience dealing with matters including boundary disputes, landlord and tenant work, rights of way, restrictive covenants and registration at HM Land Registry.

His work includes:

- Disputes over land including traditional boundary disputes, restrictive covenants, rights of way and other easements (Wheeler v Saunders [1996] Ch 19 and Shaw v. Grouby [2017] EWCA Civ 233). In Melhuish v Fishburn [2009] All ER(D) 23 he was successful in the Court of Appeal in an action concerning the interaction of boundary agreements and section 2 of the Law of Property (Miscellaneous Provisions) Act 1989.
- Landlord and tenant disputes, both residential (Springfield Investments v Bell [1991] 1 EGLR 115 CA) and commercial (Toms v Ruberry – [2018] 1 WLR 1138).
- Matters relating to mobile homes and mobile home parks (Howard v Kinvena Homes (1999) 32HLR541).
- Applications to the Property Chamber of the First-tier Tribunal and previously to the Adjudicator (Mann v Dingley [2011] EWLandRA 2010_0582).

Presenters



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John Sharples,
Barrister, Call 1992
St John's Chambers

"John has a very commercial approach and a nice manner about him. He's an excellent advocate and a good fighter who is well respected and in demand."

CHAMBERS UK, 2021
REAL ESTATE LITIGATION

John is very well versed in handling a variety of complex cases, and is frequently instructed on behalf of estates, developers, public authorities as well as private clients. He is ranked in Band 1 for both real estate litigation and chancery in Chambers UK and is one of Legal 500's leading individuals.

Chambers UK describe him as "... an exceptional barrister both in terms of his judgement and his people skills and as good as any senior junior in the country." He has a First Class Law degree from Oxford University and Masters of Law degrees from Cambridge University and the University of Pennsylvania. He was formerly an Attorney in New York.

John has written a book on Land Licences, (Jordans Publishing) in which Lord Neuberger of Abbotsbury writes the foreword. He is a contributor to the New Law Journal, a member of the Chancery Bar Association and Agricultural Law Association, and regularly tweets on property law, giving updates and news on cases, legislation, regulation and market developments.

“The premier set for contentious property matters on the Western Circuit, St John's remains a go-to for solicitors in the South West and further afield. The set boasts a deep roster of barristers with specialist real estate litigation expertise who appear at all levels of the court system, including the Court of Appeal and Supreme Court.”

CHAMBERS UK 2021
REAL ESTATE



Christopher Jones,
Head of Real Estate, Call 2004
St John's Chambers

"Excellent at engaging with the client and advising on a level they can understand." "His bedside manner is second to none and he's able to put people at ease and explain things on simple terms, but he's always got his eyes on the bigger picture and is sensible in his approach without simply taking points for the sake of it."

CHAMBERS UK 2021,
REAL ESTATE LITIGATION

Christopher is a chancery and commercial specialist with particular emphasis on trust litigation and advice, contentious and non-contentious probate applications, real property litigation (particularly in relation to easements, restrictive covenants and contracts for the sale of land) and commercial and agricultural landlord and tenant disputes. He also regularly advises on professional negligence claims, particularly in relation to claims against solicitors, accountants and tax consultants in relation to negligent conveyancing and tax advice as well as being a trained mediator.

Christopher is identified as "most highly regarded" junior at the property Bar by Who's Who UK Bar: Real Estate 2017, the only barrister on the Western Circuit to be recommended. He is "noted for his 'excellent client, skills, rational thinking and practical application of legal principles'. Jones focuses his practice on litigation relating to easements, restrictive covenants and land sale contracts."

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Adam Boyle
Barrister, Call 2012
St John's Chambers

"Very intellectually strong and he is able to think around a problem. If you present him with scenario A, he will look for scenarios B, C and D."

CHAMBERS UK 2021,
CHANCERY

Adam is a very experienced Real Estate practitioner who is fast becoming a "go to" barrister in relation to difficult property matters.

He has been noted in Chambers and Partners as a specialist in proprietary estoppel, a topic in which he maintains a keen academic interest, having written on the subject numerous times and having appeared in the Court of Appeal (led by Leslie Blohm QC) in the now famous *Davies* case.

In addition, he regularly acts in a very wide array of property matters. He is frequently instructed in cases involving complicated aspects of landlord and tenant law (such as breaches of tenancy agreements, surrender, disclaimer, services charges and agricultural tenancies). He is notably experienced in complex possession cases and those which throw up unusual legal issues. He is also regularly instructed in relation to commercial tenancies and issues involving the 1954 Act.

In addition, Adam is well versed in dealing with TOLATA, nuisance, trespass, boundary issues, rights of way, adverse possession and easements and has assisted many clients in respect of difficult neighbour disputes.



Annie Sampson
Barrister, Call 2015
St John's Chambers

Annie has experience across the breadth of property and real estate matters, including TOLATA claims, trespass, nuisance, residential landlord and tenant and mortgage possession proceedings, boundary disputes, adverse possession, commercial tenancies and the renewal of business tenancies under the 1954 Act.

Annie's recent cases include:

- A two-day trespass trial arising in the context of the breach of a licence and including extensive expert evidence.
- A one-day possession trial to evict a tenant on the basis of breach of his tenancy agreement due to anti-social behaviour.
- Advising the respondent to an application to set aside the transfer of a property due to alleged misrepresentation, deceit, undue influence, unconscionability and mistake.
- The settlement of a TOLATA dispute at the directions hearing and acting for the successful claimant at the trial of another.
- Advising in respect of nuisance, restrictive covenants, easements and the enforceability of contracts for the sale of land.



Daniel Soar,
Barrister, Call 2016
St John's Chambers

Daniel is a specialist real estate practitioner. He has experience in dealing with applications pursuant to the Trusts of Land and Appointment of Trustees Act 1996, residential and commercial landlord and tenant matters, business tenancy renewals under the 1954 Act, forfeiture, rectification, trespass and claims in nuisance.

He also regularly advises in relation to property rights, particularly easements, boundaries, the proper construction of leases and conveyances, as well as restrictive covenants.

Daniel's recent caseload includes:

- A v Q – an application pursuant to TLATA 1996 for an order for sale of a commercial property between former business partners.
- C v B – a business tenancy renewal under the 1954 Act where there had been no previous formal lease.
- R v Z – a claim against a commercial tenant for unpaid rent.
- P v C – a claim for residential possession involving an allegation of forgery.
- T v D – a forfeiture claim for breach of lease.