

PROPERTY CONFERENCE

Bristol – Cornwall – Devon – Cardiff

CPD - 3 hours Cost: £45 + VAT

St John's Real Estate team will be hitting the road to host their annual property roadshow throughout the Autumn.

Topics:

- Mediating property disputes: tips and tactics for lawyers
- Service charges update
- Restrictive covenants
- Liability for flooding and flood damage
- Surveyor's negligence in residential property transactions
- Co-ownership, estoppel and equitable accounting

Organised by:



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Dates:

BRISTOL
Wednesday, 13th September

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

CORNWALL
Wednesday,
20th
September

Innovation Centre,
Treliske, Truro, TR1 3FF



Cornwall
Law Society

DEVON
Wednesday 4th October

Exeter Racecourse,
Kennford, Exeter EX6 7XS

CARDIFF
Wednesday, 18th
October

Radisson Blu, Meridian
Gate, Bute Terrace,
CF10 2FL



Our Truro and Devon events are in association with Cornwall Law Society and Devon & Somerset Law Society.

PROGRAMME

“ High-quality set, St John's houses a team with established strength in handling contentious property matters and construction issues.' 'Top quality counsel with in-depth subject knowledge.' 'The barristers are approachable, talented and provide a first class service.' ”

LEGAL 500 2023
PROPERTY & CONSTRUCTION

1.00- 4.20pm	Property seminar series
1.00 - 1.25pm	Arrival refreshments
1.25- 1.30pm	Welcome by Chair Christopher Jones, Head of Real Estate
1.30 - 1.50pm	Mediating property disputes: tips and tactics for lawyers Harry Spurr, Mediation & Barrister
1.50 - 2.15pm	Service charges update <i>Including Sara & Hossein Asset Holdings Ltd v Blacks Outdoor Retail Ltd [2023]</i> UKSC 2: when is a conclusive certificate inconclusive? Annie Sampson, Barrister
2.15 - 2.40pm	Restrictive covenants Charles Auld, Barrister Charles provides an overview of restrictive covenants in the light of cases such as <i>Alexander Devine Children's Cancer Trust v Housing Solutions Ltd</i> [2021] 2P&CR 13 SC and <i>Bath Rugby v Greenwood</i> [2021] EWCA Civ 1927.
2.40 - 3.00pm	Cream teas
3.00 - 3.25pm	Liability for flooding and flood damage Richard Stead, Barrister Considering the potential liabilities of landowners, highway authorities and other statutory bodies.
3.25 - 3.50pm	Surveyor's negligence in residential property transactions Adam Boyle, Barrister
3.50 - 4.15pm	Co-ownership, estoppel and equitable accounting John Sharples, Barrister John will explain recent cases which consider how parties can fix or alter their beneficial interests, when proprietary estoppel can trump an express declaration of trust and when one co-owner can claim an equitable account from another.
4.15 - 4.20pm	Q&A
4.20pm	Drinks & canapes

Chair



St John's
CHAMBERS



Christopher Jones
Head of Chancery and Commercial
Call 2004

"Chris is a strong junior who handles property-related matters within his broader chancery practice'. 'His manner with clients is exemplary. He has a good grasp of complex legal issues and his advice is always sensible and commercially aware.."

CHAMBERS UK, 2023
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 consistently recommended as a leading junior in Chambers UK and Legal 500. Christopher is also a qualified mediator.

“ The premier set for contentious property matters on the Western Circuit and 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, 2023
REAL ESTATE LITIGATION

Presenters



St John's
CHAMBERS



Richard Stead,
Barrister, Call 1979

"Richard is a respected barrister whose construction practice includes claims concerning the professional negligence of engineers, surveyors and architects, typically acting for claimants. He also offers deep knowledge of the insurance elements of property damage cases."

CHAMBERS UK, 2023
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

"Charles has superb in-depth knowledge of even the most esoteric points of property law. Coupled with a commercially sensible and robust approach to problem solving, and a winning manner with clients, this makes him a first choice for property disputes."

LEGAL 500, 2023
PROPERTY & CONSTRUCTION

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).
- Applications to the Property Chamber of the First-tier Tribunal and also to the Upper Tribunal (*King v Diocese of Newcastle* [2019] EGLR 35)



John Sharples,
Barrister, Call 1992

"John has a superb ability to identify and crystallise the issues and apply the law to them. He is thorough and decisive in his work and utterly reliable in this field."

LEGAL 500, 2023,
PROPERTY & CONSTRUCTION

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.

Presenters



St John's
CHAMBERS



Harry Spurr, Mediator & Barrister, Call 2001

"Increasingly winning instructions from high-profile clients in the UK and internationally [...] Spurr is 'personable, calming and not afraid to put forward opposing points of view in the hope it will lead to progress'."

LEGAL 500 2023
MEDIATORS

Harry is also an experienced mediator and although his mediation practice covers a broad spectrum of commercial and civil law disputes, he is regularly instructed to mediate in cases involving property. In this capacity he has acted in disputes concerning land used for commercial, retail, leisure, agricultural, forestry, education, public, sport, recreation and residential purposes, as well as development land.

Adam Boyle Barrister, call 2012

"Adam is incredibly knowledgeable in his field, with a wealth of expertise. He is an excellent and very persuasive advocate."

LEGAL 500 2023
PROPERTY

Adam is a very experienced real estate practitioner and a "go to" barrister in relation to difficult property matters.

He is frequently instructed in the full gamut of property cases, including everything from rights of way, to complicated aspects of landlord and tenant law (including agricultural and commercial tenancies). He is often instructed in complicated hybrid cases and property-adjacent cases, such as those involving farm partnerships or relevant negligence (i.e. surveyor's / conveyancer's). In addition, Adam is very well-versed in dealing with TOLATA, nuisance, trespass, boundary issues, adverse possession and easements, and has assisted many clients in respect of difficult neighbour disputes.

Adam is also experienced in dealing with issues arising in respect of the registration of land (including overreaching and overriding interests), high-value overage agreements, covenants and mortgages/lending secured against land.

Annie Sampson Barrister, Call 2015

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.
- Acting for the successful claimants at the trial of their claim for the breach of leasehold covenants by a management company.
- Possession proceedings involving a dispute as to whether a partnership which the occupied the property did so as a tenant.