

Landmark Chambers

Barrister CV

Aaron Walder



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Aaron Walder

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Aaron is a highly regarded advocate and litigator, who has established a specialist practice in all forms of Property Law, along with matters suitable for the Chancery Division such as Company Law and Insolvency, over the last 20 years.



Expertise

Property

Contact Practice Managers

Mark Ball

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Practice Summary

Aaron has significant experience in appellate jurisdictions including appearing un-led in several groundbreaking and high profile cases in the Court of Appeal.

Aaron is acknowledged and recommended in Chambers and Partners as a leading junior in Real Estate Litigation and is also consistently recommended by Legal 500 as a leading junior in Property Litigation, where he has been described as “*a fantastic advocate*”, “*clearly highly intelligent and has a thoughtful approach to work*”, and “*very bright and knowledgeable and doesn’t go down without a fight*”.

His practice can be broken down into five key areas. Commercial Landlord and Tenant; Agricultural Land; Residential Landlord & Tenant; Real Property; and the interpretation of documents, and clauses within them, generally. He regularly gives talks and presentations on new and interesting developments within those fields. His specialist knowledge is recognised by his current

appointment as the consultant editor of all volumes of Halsbury's Laws: Landlord and Tenant.

He has been involved in a number of high profile matters including acting for many well known developers and house builders, local authorities, and large infrastructure providers including HS2, Transport for London, Network Rail, the Highways Authority, the Environment Agency, as well as various departments of His Majesty's Government. In many of his recent cases he has been instructed as sole counsel with silks appearing against him.

Outside of the law, Aaron is a keen sportsman. He is a member of the MCC, Middlesex CCC, and a season ticket holder at Harlequins RFU. He also retains a season pass at the French ski resort of Les Deux Alpes, and tries to get there for as many weekends as work will allow during the winter.

Property

- In his commercial landlord and tenant practice, Aaron deals with all issues of forfeiture and possession (including break options), 1954 Act renewal of tenancies, dilapidations and compensation for improvements, and rent reviews and service charge provisions, for both landlords and tenants. He fully understands the need for clients to receive details advice, sometimes rapidly, and retains a commercial perspective at all times. He recently represented the successful Respondents in the Court of Appeal case of *Brar v Thirunavukkrasu* [2020] Ch 567, the leading case on waiver of forfeiture and CRAR.
- He has a wealth of experience in cases involving agricultural land. As well as acting for a number of national developers in assisting in obtaining vacant possession of Agricultural Holdings, Aaron has advised farmers and land owners on a number of issues, and conducted hearings and arbitrations for those clients. He has also acted on negligence cases arising from advice given in relation to Agricultural Land. He recently acted in *JR & B Farming Ltd v Hewitt* [2021] EWHC 1704, in relation to negligent advice given in relation to notices served under the Agricultural Holdings Act 1986.
- In his residential practice Aaron advises on, and represents clients in the FTT, Upper Tribunal, and Court of Appeal in disputes relating to service charge and management disputes as well as all issues arising from enfranchisement and valuation. He has been heavily involved in advising the Government in relation to the new **Building Safety Act 2022** and has an active interest in service charge questions relating to disrepair and safety of residential buildings. He has appeared in, or is appearing in, cases exploring virtually all aspects of the new Building Safety jurisdiction, including applications for Remediation Orders, Remediation Compensation Orders, and Service Charge disputes involving Schedule 8 of the Act, both for Landlords and Tenants or RTM's and management companies. Further, he is instructed on behalf of the Government in relation to a number of the Judicial Review cases launched against the Building Safety Regulations.
- He advises and conducts litigation on numerous real property issues. His high profile and reported cases include High Court and Court of Appeal cases on the law of adverse possession and cases on proprietary estoppel and constructive trusts. His role as a FTT judge in the Land Registration division means his knowledge and experience of conveyancing issues, disputes regarding title and the registration of land, is significant. Further, he advises regularly on the interpretation of, and implementation of, easements and covenants; including representing clients in the Upper Tribunal seeking the modification or discharge of covenants binding their land, such as in *Re Walsh's Application* [2013] UKUT 34 (UT). Aaron also acts and advises on cases involving Mortgages and Receivers, and Party Walls such as *Breuer v Leccacorvi* [2014] PLSCS 159.

- Aaron has advised and appeared in, and has a special interest in, cases relating to the interpretation and enforceability of contracts generally, and especially those relating to sale and other transfers of interests in land, and the interpretation of clauses in leases. He advises regularly on option agreements, pre-emption agreements and joint venture agreements, as well as clauses within leases. In this regard, he has acted for a number of well know developers, and large infrastructure providers such as HS2 and the Highways Authority (now National Highways Ltd), both in Court and in Arbitrations. Aaron is used to assimilating large amounts of historic documentation where necessary, and also forensically cross-examining witnesses to secure factual findings relevant to interpretation and intention. He was recently successful in the case of ***Khan v Malik*** [2023] EWHC 2529, involving the ascertainment of, and interpretation of, an agreement to renovate premises and to the granting of a lease as consideration for those works.
- Aaron has also appeared in a number of cases in both the FTT and Upper Tribunal in the specialist area of Mobile Home Act law, where he has represented a number of site owners around the country, as well as local authorities and residents' groups, providing him with a good understanding of the issues that arise in many park home cases. He recently acted for a park owner on a technical appeal on the interpretation of the relevant statutory regime in ***John Romans Park Homes Ltd v Hancock*** [2018] UKUT 249 (LC)
- Aaron also acts in cases that have a property element, but might also be classified under other areas of law. He has acted in cases involving protesters, including the "Just Stop Oil" protests, and the "Extinction Rebellion" protests. Aaron has appeared in cases relating to nuisance, including a number of recent cases involving Japanese Knotweed. He recently represented the Chief Land Registrar in ***Bakrania v Shah*** [2019] EWHC 949 (Ch), a case involving fraud in property transactions, professional negligence, contributory negligence and indemnities. He has experience of Judicial Review proceedings. His knowledge and experience in arguing procedural points was illustrated in ***Kassam v Gill*** [2018] 8 WLUK 119, a case involving the legitimacy of a "landlord's agent" to conduct litigation. His knowledge of the law of damages is illustrated by his success in ***Almacantar v CID Investments*** [2021] All ER (D) 127. Finally, his experience as a specialist judge means he has a detailed knowledge of company law and insolvency, and is highly knowledgeable in cases involving property insolvency and the implication on obligations and ownership.

Agricultural Law

Aaron has a wealth of experience in cases involving agricultural land. As well as acting for a number of national developers in assisting in obtaining vacant possession of Agricultural Holdings, Aaron has advised farmers and land owners on a number of issues, and conducted hearings and arbitrations for those clients. He has also acted on negligence cases arising from advice given in relation to Agricultural Land.

Commercial Landlord and Tenant

In Aaron's commercial landlord and tenant practice, he deals with all issues of forfeiture and possession (including break options), 1954 Act renewal of tenancies, dilapidations and compensation for improvements, and rent reviews and service charge provisions, for both landlords and tenants. He represented the successful Respondents in the leading case on waiver of forfeiture and CRAR as it applies to commercial property.

Residential Leasehold Management and Disputes

In the residential practices, Aaron advises on, and represents clients in the FTT, Upper Tribunal, and Court of Appeal in disputes relating to service charge and management disputes as well as all issues arising from enfranchisement and valuation. He has been heavily involved in advising the Government in relation to the new Building Safety Bill and has an active interest in service charge questions relating to disrepair and safety of residential buildings.

Qualifications

- First Class honours degree in law, before being awarded a Trinity Hall research scholarship to read for his M.Phil
- Trinity Hall, University of Cambridge
- Inner Temple Major Scholar
- Called to the Bar of England and Wales 2002
- Called to the Bar of Northern Ireland 2017
- Licenced by the Bar Council to accept Direct Access instructions

Recommendations

"Aaron is very strong in all areas of his work; he is incisive and dynamic." "Aaron is an excellent barrister and provided a first-class service."

Real Estate Litigation, Chambers and Partners, 2024

"Aaron is very good on his feet and calm and clear. Aaron is particularly good with clients and cutting through tricky factual matrixes to give clear advice. Aaron is also very user-friendly to work with for solicitors."

Property Litigation, Legal 500, 2024

"Aaron is able to get to the crux of an issue swiftly. He has an unflappable manner, whilst being knowledgeable and approachable."

Property Litigation, Legal 500, 2023

"Aaron has been excellent in absorbing a substantial amount of detail from a significant quantity of documents and distilling the issues down to a thoroughly pleaded case."

Property Litigation, Legal 500, 2022

"Aaron has been excellent in absorbing a substantial amount of detail from a significant quantity of documents and distilling the issues down to a thoroughly pleaded case."

Property Litigation, Legal 500, 2021

"Clearly highly intelligent and has a thoughtful approach to work."

Property Litigation, Legal 500, 2020

"Gets to know the documents in depth and has a great retention of facts."

Legal 500, 2018

"Very bright and knowledgeable and doesn't go down without a fight."

Chambers and Partners, 2018

"Gets to know the documents in depth and has a great retention of facts."

Chambers and Partners, 2016

"Operates in a sensible and pragmatic manner with advice tailored to the value of cases and their prospects."

Legal 500, 2016

"A fantastic advocate."

Legal 500

Cases and inquiries

24 06 21 JR & B Farming Ltd v Hewitt [2021] EWHC 1704 (comm)

19 02 21 Almacantar Centre Point Nominees vs CID Investments and Others [2021] All ER (D) 127 (Feb) [2021] All ER (D) 127 (Feb)

03 12 19 Brar v Thirunavukkrasu [2020] Ch 567; [2020] 2 WLR 841

15 11 19 John Romans Park Homes Ltd v Hancock [2018] UKUT 249 (LC); 2018 7 WLUK 673

15 11 19 Gilpin & Ors v Legg [2018] L & TR 6; [2017] EWHC 3220 (Ch); [2017] All ER (D) 101 (Dec)

15 11 19 Price v Egbert H Taylor & Co Ltd [2016] 6 WLUK 382

15 11 19	Evans v Stoneleigh Pavilions [2016] EWLandRA 2015_0343
15 11 19	Breuer v Leccacorvi [2014] PLSCS 159
15 11 19	Walsh's Application, Re [2013] UKUT 34 (LC); [2013] JPL 878
15 11 19	Ayannuga v Swindells [2013] HLR 9; [2013] L & TR 1
15 11 19	Shiva Ltd v Transport for London [2011] RTR 37; [2010] EWHC 3171 (QB)
15 11 19	Steenberg v Enterprise Inns Plc [2010] Env LR D5; [2010] EWCA Civ 201
24 04 19	Bakrania v Shah [2019] EWHC 949 (Ch)
04 06 18	Kassam v Gill [2018] 8 WLUK 119; [2019] PNLR 3
04 06 18	Thirunavukkrasu v Brar [2019] 1 P & CR 11; [2018] EWHC 2461 (Ch)
04 06 18	Hicks Development Ltd v Chaplain [2007] 16 EG 192 Chancery Division

Publications

2022 - Consultant Editor of Halsbury's Laws of England; volumes 62, 63 and 64 (the complete series of the Law of Landlord and Tenant)

2019 – Advisory Editor of The Encyclopaedia of Forms and Precedents, volume 38(1), 38(2) and 38(3) (Sale of Land, and Sale of Land: Commercial Property)

2018 – Consultant Editor of Halsbury's Laws of England; volumes 62, 63 and 64 (the complete series of the Law of Landlord and Tenant)

2017 – Editor of Halsbury's Laws of England; volume 68 (the law of Liens)

2013 – Editor of "Rent Review" for iSurv and RICS

2012 – Editor of "Commercial Tenancy Renewal" for iSurv and RICS