

# Landmark Chambers

## Barrister CV

Simon Allison



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## Simon Allison

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Simon is a specialist property practitioner. He is described in the Legal 500 as an excellent advocate and one of the best barristers in the property field.



Expertise

Property

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## Property

Simon is a specialist property practitioner. He is described in the Legal 500 as an excellent advocate and one of the best barristers in the property field. Simon relishes all forms of advocacy, and has appeared in all levels of court and tribunal including recently appearing twice in the Supreme Court.

He is widely recognised as a specialist in leasehold management, forfeiture and service charge cases, and has appeared in a number of the leading cases in this area.

Simon was shortlisted for Barrister of the Year at the Enfranchisement and Right to Manage Awards 2022.

Simon is frequently instructed across the full range of real property disputes, including landlord and tenant, issues of adverse possession, restrictive covenants, land registration and easements. He regularly advises on a range of issues arising out of development agreements, including joint venture agreements, options and overage, as well as on issues at the intersection of property and insolvency law.

His clients include developers, land owners, financial institutions, leasehold management companies, ground rent investment companies, local authorities, Right to Manage companies, LPA receivers and surveyors.

Simon is favoured by solicitors for his practical common sense commercial advice; he is regularly instructed to represent clients at mediations and other forms of ADR.

Simon is a past Treasurer and Secretary of the Property Bar Association, having served in each role for three years.

In 2021, Simon was appointed as a fee paid Judge of the First-tier Tribunal (Property Chamber), assigned to the Land Registration division.

Before coming to the Bar, Simon worked for ten years providing (through his company) technical, design and production services to clients in the entertainment, film, corporate hospitality and motor industries, both in the UK and abroad. He has considerable commercial experience.

Simon spends his spare time entertaining his children, ideally combining this with his interests in cycling, cars, collecting photography books and working on his house (a thatched former cow shed).

## Building Safety

Simon is a leading expert on issues arising out of the discovery of unsafe cladding and other fire risks as have come to light further to the Grenfell Tower disaster – including liability to carry out works, statutory obligations, costs recovery from leaseholders and or third parties, and government grants (ACM fund / BSF). He has been instructed to advise and or represent a large number of freeholders, residential managers and RMCs with respect to such matters, and has advised in respect of well over 300 affected developments over the past 6 years. In a number of instances, Simon has advised such clients jointly with construction counsel so that all options can be considered in the round.

He advises on a very regular basis on issues arising under the Building Safety Act 2022 and has delivered training to a significant number of national firms as to the operation of the Act through 2023. He is currently acting in a number of sets of applications and proposed applications for Remediation Orders and Remediation Contribution Orders, as well as in several appeals under the Housing Act 2004 with respect to Improvement Notices.

Examples of work undertaken include:

- ***Adriatic Land 5 Limited v Leaseholders of Hippersley Point*** [2023] UKUT 271 (LC): The first ever appeal relating to the Building Safety Act 2022. The President considered whether the leaseholder protections in Schedule 8 to the Act have retrospective effect and the true extent of professional fees caught by paragraph 9. The case also provides helpful guidance on imposing conditions as to costs when tribunals grant dispensation under s20ZA.
- ***Pemberstone Reversions (5) Ltd v Leaseholders*** (2018) (FtT): Acting for the successful landlord in establishing liability for the costs of fire safety measures and cladding replacement costs required to two large residential blocks further to the Grenfell Fire tragedy. The blocks in question had been found to be clad, in part, with type 3 ACM cladding.
- ***E&J Ground Rents No.11 LLP v Leaseholders*** [2018] 1 WLUK 364 (FtT): Acting for the wholly successful landlord in one of the first decisions concerning liability for the costs of fire safety measures (namely, the provision of a 24 hour 'waking watch')

arising out of the Grenfell Fire tragedy. The block in question had been found to be clad, in part, with type 3 ACM cladding, resulting in intervention by the fire service and a need to abide by well publicised guidance to landlords issued by DCLG.

## Boundary and Ownership Disputes

Simon is regularly instructed in a wide range of property disputes, including land registration issues, boundary disputes, determined boundary applications (s.60), nuisance, party walls, rights of way and other common neighbour disputes – whether between residential occupiers, or in connection with substantial development sites. Often, issues of adverse possession also arise – see adverse possession, to the right for further detail in that regard.

Examples of work undertaken include:

- ***Rapose v Viridian Housing*** - (2017) (CLCC TCC) (appeal of part dismissed by Newey J 26/5/17 [2017] EWHC 1589 (Ch))  
Acting for the successful respondent to a statutory appeal pursuant to the Party Wall etc Act 1996, with a cross application for declaratory relief. 2 day appeal including determination of the boundary between the Appellant's house and the neighbouring development site. Application for permission to appeal to the Court of Appeal on various points of law arising out of the Act refused January 2018.
- ***Whitstable Oyster Company Ltd v Shepherd Neame Ltd*** - Acting for land owner in a dispute regarding ownership and use of a section of Whitstable beach – issues of adverse possession, easements, and rectification of the Register. Settled at mediation following disclosure.
- ***Roberts v Neal*** (First-tier Tribunal: Land Registration) - Application for a determined boundary (s.60 Land Registration Act 2002) in the context of a long standing boundary dispute between neighbours. Settled at trial between site view and commencement of oral submissions in a deal brokered by counsel for each side.

## Commercial Landlord and Tenant

Simon's practice has, and has always had, a particular focus on Landlord and Tenant matters. He is able to draw on a wealth of experience to advise tactically as to the best way to resolve a dispute (actual or potential).

As well as all manner of ways of recovering possession of land, Simon acts in claims relating to business lease renewals, rent act tenancies, tenant insolvency, exercise of break clauses and other options, withholding of consent, wrongful forfeiture, disrepair & dilapidations and other breaches of covenant. Simon has a particular interest in forfeiture of leases and has acted in a considerable number of such cases, particularly with respect to licensed premises.

Examples of work undertaken:

- ***Macaine Investments Ltd v Esso Petroleum Company Limited*** (2021) (CLCC): Contested application brought by landlord for the court to determine an interim rent of a petrol station in context of abandoned lease renewal proceedings. Complex valuation issues plus dispute over proper legal basis for determining the application / undertaking relevant valuation. Simon acted for the successful respondent tenant (Esso) at trial.
- ***Zest (Coombe Road) Limited v Ibishi*** (2019-20) (CLCC Ch list / QBD): Acting for claimant landowner in claim for possession of land from former licensee (following a series of contracted out leases) who asserted he was a protected '54

Act tenant, holding up substantial redevelopment of the land and adjoining land. Possession granted on application for summary judgment, with application for permission to appeal dismissed (ultimately, by consent).

- ***Fred Davies (Storage) Ltd v SIG Trading Ltd*** (2019) (High Court: TCC): Acting for claimant landlord in a claim for damages for dilapidations in excess of £1m relating to a large warehouse in Merseyside, with a cross claim for statutory compensation. Resolved successfully by way of mediation after exchange of evidence.
- ***Secretary of State for Housing, Communities and Local Government v Homer Road (Solihull) LLP*** (2019): Acting for the Secretary of State in a claim for £500k statutory compensation following termination of a lease of substantial office accommodation in Birmingham.
- ***GLA Land & Property Ltd v Miller*** (2016-19) (CLCC Ch list / HC enforcement): Acting for the Greater London Authority in a claim for possession of a marina in London's docklands. Wholly successful at trial in November 2017; application for permission to appeal dismissed January 2018; disputes on enforcement 2018; appeals therefrom dismissed by High Court 2019.
- ***N v F*** (2016/17) (CLCC Ch list) Acting for a national chain in a contested claim for a new '54 Act protected lease of its outlet in Edgware Road.
- ***C v Company*** (in administration) / Administrators (Ch D): Acting for landlord claimant with respect to various claims (including for rent and dilapidations) against its corporate tenant and its administrators in circumstances where administrators had allowed the purchaser of the business into occupation of two warehouse buildings and that purchaser had caused significant damage whilst there. Settled shortly prior to trial.
- ***Anderson v Trinistar Manchester SARL***: Acting for the landlord in a lease renewal dispute against a tenant of the Royal Exchange arcade in central Manchester, including in respect of the tenant's appeal following a successful application to strike out the claim and in respect of a claim for possession on grounds of arrears of rent.
- ***N v B***: Acting for trustees of a SIPP pension fund in a claim against a tenant (former members of which were the beneficiaries of the pension fund) for unpaid rent (in excess of £150k) following (alleged) failure to properly exercise a break option, defended in part due to a dispute as to the proper defendant following an equitable assignment of the term.
- ***Ahmed and others v Mahmood and others*** [2013] EWHC 3176 (QB): Advising and representing, at a late stage, one of three Defendants in a complex claim concerning trespass, multiple unlawful evictions and an unusual application for re-entry post eviction based upon alleged misrepresentation in the process of requesting a High Court Enforcement Officer to execute a writ of possession.

## Conveyancing Disputes

Simon is often instructed to advise in connection with disputes that arise in a conveyancing context, including defective lease issues, rights of first refusal, advising on the terms of sale agreements, enforcement of contracts for sale and registration issues.

### Examples of work undertaken:

***HA v Dev Co*** (2020) - Advising and drafting pre-action documents in a dispute relating to a 'Golden Brick' development agreement for the purchase and construction of affordable housing. Issues included potential rectification of the transfer deed, claims for specific performance to compel a transfer, and declaratory relief.

**C v P** [2020] (ChD) – Injunction to restrain disposition of property vendor had contracted to sell to purchaser (notwithstanding alleged existence of an unregistered Option to purchase granted to a third party), and claim for specific performance of that contract defended on various grounds including duress.

**Marshall v Yates** - Acting for the vendor of a residential property said to have negligently misrepresented the history of flooding at the house. Damages in excess of £300k sought, ultimately settled several years into proceedings following mediation on very favourable terms.

**X v Y** (Ch D) - Acting for the purchaser of an unfinished development in a High Court claim brought by various purchasers of individual units on the development for the return of deposits paid to the original developer. Claims brought on the basis of liens said, by them, to be protected by way of unilateral notices, alternatively on the basis of constructive trust. Resolved by way of mediation in a confidential settlement.

## Easements and Profits a Prendre

Simon has considerable experience advising on the extent, effect and enforcement of easements, including rights of way, easements to park and other analogous rights – whether in a freehold or leasehold context. He acts for title insurers, landowners, developers, prospective purchasers and leaseholders in respect of such matters.

### Examples of work undertaken:

**Whitstable Oyster Company Ltd v Shepherd Neame Ltd** - Acting for land owner in a dispute regarding ownership and use of a section of Whitstable beach – issues of adverse possession, easements, and rectification of the Register. Settled at mediation following disclosure.

**Hartley v Parrott (1) Hodges (2)** - (First-tier Tribunal: Land registration): 3 day disputed application to register a right of way said to run across land between two houses providing access to potential development land beyond. Represented the house owners, successfully defeating the application on numerous grounds, including unity of seisin.

**S v T** - Advice to a major pub operator regarding the extent of an easement enjoyed over adjoining land used by it as a beer garden.

## Land Registration and Adverse Possession

Simon is regularly instructed in a wide range of property disputes relating to registered and unregistered land, including land registration issues, adverse possession, secured lending claims, and restrictive covenants. He has a particular interest in, and experience of, claims of adverse possession.

Simon is experienced in related enforcement procedures, including applications for modification or discharge of restrictive covenants, obtaining orders for sale, rectification of the Register, and injunctive relief.

Simon sits as a part-time Judge in the Land Registration division of the First-tier Tribunal (Property Chamber).

### Examples of work undertaken:

- **C v P** [2020] (ChD) – Injunction to restrain disposition of property vendor had contracted to sell to purchaser (notwithstanding alleged existence of an unregistered Option to purchase granted to a third party), and claim for specific performance of that contract defended on various grounds including duress. Ongoing.
- **Jackson v Roselease Limited** [2019] UKUT 0273 (LC) - Application under s.84 Law of Property Act 1925 to modify or discharge a restrictive covenant. Issues included treatment of permitted development barn conversion schemes (PD Class Q) in the context of reasonable user of land.
- **Conte v National Westminster Bank Plc** (2017) (FtT, Land Registration) - Application to amend register (by removal of a charge) on grounds of a mistake resulting from alleged fraud in securing development finance secured by a personal guarantee and security, resulting in insolvency. 3 day trial, acting on behalf of the wholly successful Respondent bank.
- **Camenzuli v Camenzuli** (2017) (FtT, Land Registration) - Application to correct the Register by reinstating an entry in the charges register to reflect a loan to a sibling by the applicant's mother prior to death. Allegation of fraud against the respondent on the basis of a forged DS1 form and on the basis that the sums due under the charge had not been paid. Acted for the successful respondent at 3 day trial.
- **Whitstable Oyster Company Ltd v Shepherd Neame Ltd** - Acting for land owner in a dispute regarding ownership and use of a section of Whitstable beach – issues of adverse possession, easements, and rectification of the Register. Settled at mediation following disclosure.
- **Crew v London & Continental Developments (Holdings) Limited (FtT, Land Registration)**(January 2016) - three-day trial, acting for owner of registered land opposing a claim to its land said to be acquired by adverse possession, where the applicant relied upon the 'reasonable belief' and 'estoppel' grounds set out in paragraph 5 of Schedule 6 to the Land Registration Act 2002. The land in question formed a very significant part of the applicants' rear garden to their home, amounting to 0.3 acre. Advice, drafting and representation prior to and throughout proceedings. Permission to appeal on issue of reasonable belief granted by Upper Tribunal but appeal ultimately not pursued.
- **LB Hounslow v Devanney**[2012] EWCA Civ 1660 [2012] All ER (D) 106 Recovery of possession of land at Heathrow Airport, defended on the basis of adverse possession over 20 years. Use of historic satellite images. Defendant's application for permission to appeal was refused by the Supreme Court on 24 October 2013.
- **Holton v Fullaway** - Defending a claim for possession brought pursuant to the terms of a charge entered into to secure a debt said to be owed by the defendant's partner that was said to be tainted by undue influence and duress (threats to kidnap). Eventually conjoined with related proceedings in the TCC to dispute the underlying debt, resulting in settlement without determination of the defence, such that the charge was discharged and the possession proceedings discontinued.
- **Re: U** - Advice throughout land registration proceedings concerning various portions of tidal river bed (disused oyster layings) and foreshore acquired by adverse possession through use as a boat yard and moorings. Complex issues surrounding root of title and acts necessary to demonstrate adverse possession in the context of such land.

## Park Homes and Mobile Homes Act Disputes

Simon has experience of advising clients in connection with sites regulated by the Mobile Homes Act 1984 and the Caravan Sites Act 1968 and related legislation. He has appeared before the First-tier Tribunal in connection with several applications falling within its jurisdiction relating to park home sites.

### **Examples of work undertaken:**

- Advising a housing association on the terms of a sale and purchase agreement when selling a Site, including impact upon licensing obligations and service of termination notices.
- **Re X** - Advising a port owner as to how to recover possession of land within the port being used as a mobile home site.
- **Chartridge Park v Gravell** (January 2013). Determination by the Residential Property Tribunal under the Mobile Homes Act 1983 that the condition of a park home was having a detrimental effect on the amenity of the site.

### Property Development including Overage disputes

Simon often advises land owners and developers at various stages of their projects in relation to the full range of property issues that can arise in a development context, including the many contractual disputes that can arise, for instance with respect to:

- Joint venture agreements
- Insolvency
- Options
- Conditional contracts
- Pre-emption agreements
- Overage
- Party Wall agreements.

As well as advising on issues of construction of development agreements, Simon is experienced in the various ways and means by which obligations under such agreements can be enforced, whether by way of damages, specific performance, rectification of the Register or pure tactical negotiation. Simon's experience across the full range of property disputes enables him to deal with the interface between different interests and agreements (for example related leases protected under the 1954 Act) effectively.

### **Examples of work undertaken:**

- **Raja (1) Thompson (2) v Holden (1) Jackson (3) & ors** (2022): Claim relating to the development of 5 houses on green belt land outside Bolton. The properties (all very large six bedroom homes) had been constructed without planning permission in place, and ultimately all had to be demolished. Simon acted for the builder (individual & his company) throughout, up to just before trial when favourable terms of settlement were agreed with the claimant purchasers. The other two defendants (the developers) continued to trial: [2022] EWHC 3085 (Comm).
- **Rapose v Viridian Housing** (2017) (CLCC TCC) (appeal of part dismissed by Newey J 26/5/17 [2017] EWHC 1589 (Ch)) Acting for the successful respondent to a statutory appeal pursuant to the Party Wall etc Act 1996, with a cross application for declaratory relief. 2 day appeal including determination of the boundary between the Appellant's house and the neighbouring development site. Application for permission to appeal to the Court of Appeal on various points of law arising out of the Act refused January 2018.
- **Mercia Crematoria Developments Ltd v Buswell** (2015-2017) (CLCC Ch List): Acting for the claimant developer in a claim for specific performance of various obligations under an option agreement that was intentionally breached by the landowner



with a view to preventing exercise of the option over land in respect of which planning permission had been granted on appeal for the construction of a crematorium. Wholly successful at a 1 day expedited trial against John de Waal KC. Acted in subsequent proceedings for damages exceeding £800k owing from the various breaches found, settled at mediation January 2017 on confidential terms.

- **Re: A Farm:** Advice to a landowner regarding the proper interpretation of an option to purchase about 40 acres of land surrounding a farm, forming a crucial part of a development site totalling almost 500 acres (2750 houses + ancillary buildings and commercial units). Issues included whether various conditions had been met, proper service of a valuation notice and the precise method of valuation with reference to infrastructure costs.
- **Godalming Sixth Form College v Shanly Homes Limited** (Ch D): Advice and drafting in a claim for specific performance of a transfer to enforce a developer's obligations with respect to the provision of a roadway to be constructed in a specified part of the transferred land, to facilitate development of retained adjoining land that had been sold to a rival developer. Settled amicably shortly before an expedited hearing.
- **Hartley v Parrott (1) Hodges (2)** (First-tier Tribunal: Land registration): 3 day disputed application to register a right of way said to run across land between two houses providing access to potential development land beyond. Represented the house owners, successfully defeating the application on numerous grounds, including unity of seisin.
- **Westcoast (Holdings) Ltd v Wharf Land** [2012] EWCA Civ 1003; [2012] All ER (D) 329 (Jul): Appeal in a claim for repayment of a £1m loan, and for a declaration, on the proper construction of the agreements in a joint venture arrangement, of entitlement to petition for the winding up of the Defendant.

## Residential Leasehold Management and Disputes

Well recognised in the market as a leading specialist in this area, Simon has considerable experience of acting in significant service charge disputes (residential and commercial) as well as the full range of leasehold management issues that can arise. He is well placed to advise landlord clients from an early stage with respect to major works projects so as to secure maximum recovery of outlay, and often advises holders of large residential portfolios and their appointed managers on acquisition, policy and portfolio-wide issues. Simon also has considerable appellate experience arguing substantial points of principle in this area of law, including appearing recently twice in the Supreme Court for the successful parties (see below).

The Legal 500 describes Simon as 'very accessible and highly knowledgeable on service charge procedures and defences' with 'an encyclopaedic knowledge of residential landlord and tenant work.'

Simon is a leading expert on issues arising out of the discovery of unsafe cladding and other fire risks as have come to light further to the Grenfell Tower disaster – including liability to carry out works, statutory obligations, costs recovery from leaseholders and or third parties, and government grants (ACM fund / BSF). He has been instructed to advise and or represent a large number of freeholders, residential managers and RMCs with respect to such matters, and has advised in respect of well over 200 affected developments over the past 4 years. In a number of instances, Simon has advised such clients jointly with construction counsel so that all options can be considered in the round.

### **Matters on which Simon is regularly instructed include:**

- Complex service charge debt recovery claims (and enforcement by forfeiture).

- Advice as to the proper construction and operation of service charge and ground rent review provisions in leases.
- Residential major works projects – consultation, dispensation and recovery.
- Applications to vary residential leases in the First-tier Tribunal (Property Chamber).
- Acquisition and loss of the Right to Manage residential premises.
- Complexities arising from mixed-use developments.
- Challenges to buildings insurance provision, premiums and commissions.
- Disputes regarding assignment of leases and consents to assign.
- Tactical advice as to the recovery of legal costs.
- Applications to appoint a manager.
- Breaches of covenant – repairs, alienation (sub-letting), change of use, nuisance.
- Pre-acquisition advice, including with respect to recoverability of future building costs.
- Rights of first refusal under the 1987 Act.

#### Examples of work undertaken

- ***Adriatic Land 5 Limited v Leaseholders of Hippersley Point*** [2023] UKUT 271 (LC): The first ever appeal relating to the Building Safety Act 2022. The President considered whether the leaseholder protections in Schedule 8 to the Act have retrospective effect and the true extent of professional fees caught by paragraph 9. The case also provides helpful guidance on imposing conditions as to costs when tribunals grant dispensation under s20ZA.
- ***Lea and others v GP Ilfracombe Management Company (1) Michael Gubbay (2) Epworth (3)*** [2023] UKUT 108 (LC): Appeal by leaseholders against a refusal by the FtT to award them over £160k in legal costs against a non-party sought pursuant to rule 13 of the FtT (PC) Rules. Simon acted for the successful non-party, with the appeal dismissed.
- ***Aviva Investors Ground Rent GP Limited v Williams & ors*** [2023] UKSC 6: Important appeal concerning the proper construction of s.27A(6) LTA85, in the context of a residential lease that contained a fixed percentage contribution to service charges with a discretion for the landlord to vary that percentage. Simon acted for the successful respondent landlord throughout, securing a decision that restored s27A(6) to a principled position and overturning a large number of earlier UT and CA authorities on this point. Simon acted throughout in this case – from the FtT, to the Upper Tribunal, to the Court of Appeal and finally the Supreme Court, leading Brooke Lyne.
- ***Fairleigh & ors v St George South London & ors*** (2023) FtT(PC): 11 day trial concerning whether or not various landlords of two substantial residential developments in London (circa 2400 leaseholders) had reasonably incurred (for residential service charge purposes) the VAT component of the costs of employing site staff, in circumstances where VAT was payable upon those staff costs if the staff were employed by the managing agent, but was not payable if the staff were employed by the landlords directly. Listed as one of The Lawyer's Top 20 cases for 2022.
- ***FirstPort Property Services Limited v Settlers Court RTM Company Ltd & ors*** [2022] UKSC 1: The first time the Supreme Court has considered the statutory Right to Manage scheme. Considers whether the Court of Appeal's decision in *Gala Unity v Ariadne Road* was properly decided in finding that an RTM company also acquired the right to manage the wider estate on which a block sits on a multi-block estate. The Supreme Court held that *Gala* had been wrongly decided, and

overturned the decision; an RTM company only acquires the right to manage the building itself and other nearby physical property exclusively enjoyed by the leaseholders of that building. Simon acted for the successful appellant, FirstPort, throughout, leading Kim Ziya in the Supreme Court.

- **Mostyn House Estate Management Company Ltd v Youde & Ors** [2022] EWCA Civ 929: Appeal concerning the proper construction of the maintenance obligations (contained in freehold transfers) of an estate management company, which overlapped with the obligations of the management companies for the leasehold and freehold parts of the estate.
- **Gateway Holdings (NWB) Limited v McKenzie** [2018] UKUT 0371 (LC): Whether a leaseholder is entitled to seek determination of service charges paid by a predecessor in title. Acting for successful appellant landlord.
- **Peel Land & Property (Ports) Ltd v Nawaz & ors** (2017-18): Acting for a group of sub leaseholders and lenders with interests in 139 flats seeking relief from forfeiture further to the forfeiture of an intermediate lease. Total value of client property at stake in excess of £20m.
- **Pemberstone Reversions (5) Ltd v Leaseholders** (2018) (FtT): Acting for the successful landlord in establishing liability for the costs of fire safety measures and cladding replacement costs required to two large residential blocks further to the Grenfell Fire tragedy. The blocks in question had been found to be clad, in part, with type 3 ACM cladding.
- **E&J Ground Rents No.11 LLP v Leaseholders** [2018] 1 WLUK 364 (FtT): Acting for the wholly successful landlord in one of the first decisions concerning liability for the costs of fire safety measures (namely, the provision of a 24 hour 'waking watch') arising out of the Grenfell Fire tragedy. The block in question had been found to be clad, in part, with type 3 ACM cladding, resulting in intervention by the fire service and a need to abide by well publicised guidance to landlords issued by DCLG.
- **Re: Northwood Hall RTM Company** (2016-18) (FtT, magistrate's court, CLCC, ChD): Advising and appearing for RTM Company in respect of a large development in north London. Various actions taken against it by a small group of leaseholders, including a private prosecution against the Company and its three directors (total 68 charges) for alleged breach of section 21 Landlord and Tenant Act 1985 (acquitted on all counts), and a claim for repayment of substantial service charges relating to a £5m major works project commissioned by it.
- **Freehold Managers Plc v Celestia Management Company Limited** (2013-2017) [2017] EWHC 1281 (Ch): Acting for head landlord in a claim against the named management company in leases of hundreds of flats in Cardiff in a claim for declaratory relief concerning the recoverability of estate charges.
- **Pratt v Bretby Hall** [2017] UKUT 0070 (LC): Successful appeal against determination of FtT that various heads of costs were subject to a Qualifying Long Term Agreement (QLTA), and against an order under section 20C of the 1985 Act with respect to costs of defending separate threatened county court proceedings. Determined, amongst other things, that such legal costs were in principle recoverable under the lease and were not subject to an order under s20C of the Act.
- **231 Sussex Gardens Right to Manage Limited v Sinclair** [2016] UKUT 0290 (LC) (Willow Court v Alexander): One of 4 conjoined appeals before Martin Rodger QC and Siobhan McGrath on the proper interpretation of Rule 13 First-tier Tribunal (Property Chamber) Rules 2013, namely, the power to award costs against a party where they have acted unreasonably in bringing, defending or conducting proceedings.

## Squatters and other Trespass

Examples of work undertaken include:

- **Zest (Coombe Road) Limited v Ibishi** (2019-20) (CLCC Ch list / QBD): Acting for claimant landowner in claim for possession of land from former licensee (following a series of contracted out leases) who asserted he was a protected '54 Act tenant, holding up substantial redevelopment of the land and adjoining land. Possession granted on application for summary judgment, with application for permission to appeal dismissed (ultimately, by consent).
- **GLA Land & Property Ltd v Miller** (2016-19) (CLCC Ch list / HC enforcement): Acting for the Greater London Authority in a claim for possession of a marina in London's docklands. Wholly successful at trial in November 2017; application for permission to appeal dismissed January 2018; disputes on enforcement and ongoing trespass 2018; appeals therefrom dismissed by High Court 2019.
- **Ahmed and others v Mahmood and others** [2013] EWHC 3176 (QB): Advising and representing, at a late stage, one of three Defendants in a complex claim concerning trespass, multiple unlawful evictions and an unusual application for re-entry post eviction based upon alleged misrepresentation in the process of requesting a High Court Enforcement Officer to execute a writ of possession.

## Qualifications

- LLB Hons (University of London, Queen Mary College) – First Class
- Bar Vocational Course (BPP, London) – Outstanding
- Hardwicke Scholar (Lincoln's Inn) (2004)

## Recommendations

"The go-to barrister for all residential landlord and tenant matters, and he is a strong advocate." "Simon's advocacy style is simply brilliant. He remains clear, calm and collected even when under robust questioning from judges. He is one of the most capable advocates." "Simon is extremely capable and good with clients. He has sound commercial judgement." "A real top-drawer barrister who excels in arguing complex points of law." "Simon is very knowledgeable and always provides sound legal advice, whilst considering commercial and practical impact."

### **Real Estate Litigation, Chambers and Partners, 2024**

"Simon is extremely knowledgeable but also pragmatic, applying good commercial sense and providing practical advice to clients and solicitors. His advocacy is controlled and he presents his arguments in logical and persuasive manner."

### **Property Litigation, Legal 500, 2024**

"Simon embodies the practical approach - very clear and to the point and great in front of judges." "Simon has the ability to translate very technical and complex legal issues, which makes him a favourite with our clients." "He is very calm but speaks with authority."

### **Real Estate Litigation, Chambers and Partners, 2023**

"Simon is an oracle when it comes to residential property. He is incredibly competent and never shies away from giving bold advice without sitting on the fence."

**Property Litigation, Legal 500, 2023**

"He is an excellent, commercially focused barrister with an ability to explain complex legal terminology to demanding clients." "In a league of his own in the landlord and tenant context."

**Real Estate Litigation, Chambers and Partners, 2022**

"Excellent at getting to the core issues of a case and deals with all levels of clients exceptionally well. Superb in dealing with residential service charge disputes and his tactical advice is second to none."

**Property Litigation, Legal 500, 2022**

"Excellent in dealing with technical issues while also remaining commercial." "Simon is practical and always focuses on the client's ultimate goal."

**Chambers and Partners, 2021**

"One of the best barristers in the property field with unparalleled expertise on cladding and fire safety at both residential and commercial premises. He has a superb ability to understand the clients' business so that he is able to sensibly get a feel for both the issues and the commercial objectives."

**Legal 500, 2021**

"Very clear and straightforward with clients and tenacious in how he deals with judges." "Very quick and commercially savvy and has a great manner with clients." "Extremely capable and a very good advocate."

**Real Estate Litigation, Chambers and Partners, 2020**

"One of the best barristers in the property field."

**Legal 500, 2020**

"He has a very sharp intellect and a deep understanding of the property industry." "He has unquestionable knowledge regarding property matters, and is proactive and very user-friendly."

**Legal 500, 2019**

"He has an encyclopaedic knowledge of residential landlord and tenant work." "An excellent advocate and especially able to provide succinct and commercially viable advice."

**Legal 500, 2019**

## Cases and inquiries