

Tanfield Chambers

James Fieldsend

jamesfieldsend@tanfieldchambers.co.uk

Areas of Practice

Property

Career

1997 Called to the Bar

Profile

James' landlord and tenant practice encompasses all aspects of both commercial and residential property disputes.

James also provides advice and representation in more general property disputes, including boundary disputes, adverse possession, issues relating to restrictive covenants and easements, and disputes involving ownership of property.

James also advises on property related professional negligence claims.

James' clients range from large organisations with substantial property portfolios, to individual property investors with much smaller portfolios.

Experience

James has particular expertise and experience in litigating and advising on cases that involve leasehold enfranchisement, service charge disputes, unlawful sub-letting, dilapidations, breaches of other commonly found lessee covenants and absentee landlords.

James is also particularly experienced in dealing with cases that involve lessee run management companies.

Significant Cases

Church Commissioners v Meya [2006] EWCA Civ 821

Which clarified how the periods of a statutory periodic tenancy arising pursuant to s.5 Housing Act 1988 on the coming to an end of the fixed term of the tenancy are to be determined

Appeal to Lands Tribunal - Involving 5 cases in which the Tribunal has been invited to hand down a decision of general guidance on the valuation of intermediate leasehold interests in lease extension claims under the Leasehold Reform, Urban and Housing Development Act 1993 [2008]

Appeal to the Court of Appeal - In a possession action where the issues involve the application of conventional judicial review grounds as a defence to a claim for possession and the extent to which the courts are to apply proportionality and Article 8 of the Convention on Human Rights in cases where the landlord has as a matter of domestic property law an otherwise absolute right to possession [2008]

Large family dispute involving the question of ownership of more than 7 properties. The case also raised the issue of whether one of two beneficial owners can grant a licence of the trust property to a third party; whether a beneficial owner can enjoy the benefit of s.12 Trust of Land and Appointment of Trustees Act occupation rights through a third party; and whether one of two co-owners can determine a licence granted by the other [2008]

Urgent application in High Court for relief from forfeiture of lease commercial premises where only 11 hours remaining on lease [2008]

Represented landlord in large service charge dispute heard in the LVT that involved a tenant run management company and a significant number of defaulting tenants. The issues in the case had potential consequences for nearly 1000 units on a private estate in East London [2007]

Publications

Contributor, *Service Charges and Management: Law & Practice* 2nd edition (Sweet & Maxwell)

Contributor, *Service Charges and Management: Law & Practice* 1st edition 2006 (Sweet & Maxwell)

Memberships

Member, Property Bar Association

Member, Chancery Bar Association

Qualifications

LLB (Newcastle)

Directory Quotes

James Fieldsend is listed as a leading junior in property litigation in **The Legal 500** from 2008 to date.

'provides comprehensive legal and tactical advice'

Legal 500 2010

'provides comprehensive advice'

Legal 500 2009

'extremely user-friendly and quick to respond'

Legal 500 2008

James Fieldsend is listed as a leading junior in real estate litigation in **Chambers UK** from 2005 to date.

'a tough yet fair opponent, who can adapt his approach on the fly when appearing in court'

Chambers UK 2010

'very knowledgeable'

Chambers UK 2009

'earns his stripes for his general landlord and tenant litigation skills'

Chambers UK 2007

'highly regarded for his expertise in landlord and tenant and housing law'

Chambers UK 2006

'especially rated for his expertise in landlord and tenant and housing law'

Chambers UK 2005