

Tanfield Chambers

Nicholas Isaac

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Areas of Practice

Business & Commercial
Property
Public Access

Career

1993 Called to the Bar

Profile

As a property litigator with extensive experience in all aspects of property litigation, Nick appears regularly in property disputes in courts and tribunals all over the country (but largely in the South East), and particularly relishes the challenge of last minute instructions and/or difficult cases.

Nick's practice sometimes crosses over into commercial work, usually with a property angle, and his clients include large London estates, as well as commercial and private clients.

As well as lecturing regularly on various aspects of property Law, including termination of leases and boundary disputes, Nick has recently co-written a book on 'Easements and Other Rights' and is contributing to the second edition of Tanfield Chambers' *Service Charge* book, published by Sweet & Maxwell.

Nick accepts direct access instructions.

Experience

Property

- Residential landlord and tenant (e.g. possession actions, service charge disputes, leasehold enfranchisement)
- Commercial landlord and tenant (e.g. lease renewal, rent review, forfeiture and terminal dilapidations)
- Party Wall Act claims
- Boundary disputes
- Easements/rights of way
- Trusts and co-ownership disputes
- Conveyancing

Business & Commercial

- General commercial work, including contractual disputes of all kinds, insolvency and partnership disputes
- Non-contentious work including the drafting of leases, contracts and conveyances

Significant Cases

Reeves v Blake (2009) 38 EG 113

Appeared in only second Court of Appeal case involving Party Wall etc. Act 1996, this one concerning recovery of pre-commencement litigation costs where an injunction had been threatened but not obtained because an undertaking was offered.

Freeman v Islington B.C. (2009) 24 EG 85 (CS)

Appeared for unsuccessful would-be successor in case where a person who had moved in with a secure tenant prior to his death and had lived with him full time throughout the previous year was held not to have "resided with" him for the purposes of succeeding to the tenancy under the Housing Act 1985 s.87, since mere physical presence in the premises was not enough to amount to "residing with" and there had to be to a significant degree an intention that could be characterised as making home with the tenant.

Hollis v Rolfe [2008] EWHC 1747 (Ch), LTL 30/7/2008, (2008) NPC 88

Successfully defending a claim to property based on breach of trust, undue influence and knowing receipt of (charitable) trust property

Khan v Rehman [2007]

Successfully defended a claim to set aside various allegedly fraudulent transfers, charges and a declaration of trust

Barton v Church Commissioners [2006]
Riparian rights on the River Wye in Hereford

Job Tyoran v King [2003] LTL 23/12/2003
Circumstances in which it was proper to lift a stay on proceedings several years on

Fawdry & Co v Murfitt [2002] 3 WLR 1354
De facto and de jure judges; deciding after the event whether a judge not ticketed as a Queen's bench judge could properly hear such a case

Davies v Dobson [2000] LTL 21/7/2000
Undue influence and whether legal advice given to the grantor was in and of itself sufficient to rebut the presumption of undue influence; it was not

Templiss Properties v Hyams [1999] EGCS 60
Rectification of a lease based on unilateral mistake, namely making the headline rent inclusive of rates rather than exclusive

Testimonials

'...were delighted with everything, and irrespective of the outcome, would like to thank you for your work and performance. We thought it was excellent... Once again, thank you very, very much for such wonderful and professional support'

Feedback from a client, August 2008

'Spot on'

Feedback from a Surveyor client, 2008

'Please thank Nick for his excellent Opinion, which I received today'

Feedback from a Surveyor client, 2008

Publications

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

Contributor, *Easements and Other Rights*, 2008 (RICS Publishing)

Memberships

Member, Property Bar Association
Member, Chancery Bar Association

Qualifications

BA hons (Leeds)

Directory Quotes

'Affable and solid'
Chambers UK 2010

'Prompt in his responses and practical in his advice' and 'targeted advice with a practical slant'
Legal 500 2007

Nick is listed as an expert in Property Litigation in **Legal Experts 2008, 2009 and 2010**.