

TANFIELD

PROPERTY & REAL ESTATE BARRISTERS



Amanda Gourlay

Year of call
2004

Amanda Gourlay's practice focuses on property matters.

Amanda came to the Bar after ten years in the travel industry, where her employment included negotiating contracts for a programme of holiday rental properties in Corsica.

She brings enthusiasm and commitment to her court and paper work.

As is to be expected of a former linguist, Amanda thinks quickly on her feet. She is an articulate and experienced advocate.

Her research is always thorough, and she aims to produce written work, which is clear and user-friendly for court, solicitor and lay client.

Real Property

Amanda is regularly instructed real property matters: trusts of land and co-ownership disputes are familiar territory to her. Her longest running case turned on the validity of an estate contract and its priority over her client purchaser by virtue of an overriding interest.

Recent litigation has included collective enfranchisement and the rights of receivers to possession of mortgaged land against a borrower.

Recent advisory work has involved rights of first refusal and the practicalities of enforcing estate rent

charges.

Amanda is the voice behind the award-winning "Law & Lease", a blog recording and commenting on service charge decisions. Her expertise in landlord and tenant law embraces the right to manage, appointment of a manager, breaches of covenant and forfeiture.

Notable Cases

John Romans Park Homes Ltd v Hancock (County Court, 17 October 2019)

As to whether costs incurred in the First-tier Tribunal (Property Chamber), following transfer there from the county court, fell within the scope of the court's jurisdiction under section 51 of the Senior Courts Act 1981.

London Borough of Southwark v Royce, Nicoue [2019] UKUT 0331 (LC)

As to the recoverability of the costs of replacing pipework on a district heating system.

London Borough of Wandsworth v Multiple Leaseholders (LON/00BJ/LSC/2018/028)

As to the First-tier Tribunal's jurisdiction to make a determination in principle as to whether the local authority was entitled to recover, through the service charge, the costs of installing sprinklers in buildings over 10 storeys high throughout the borough.

FirstPort Property Services Ltd v Leaseholders of Citiscape, Croydon
(LON/00AH/LSC/2017/0435)

Whether the costs of a waking watch and of re-cladding a building were payable by the leaseholders through the service charge.

Skelton v DBS Homes (Kingshill) Ltd [2017] EWCA Civ 1139

Sheffield City Council v Oliver [2017] EWCA Civ 225

Octagon Overseas Ltd, Canary Riverside Estate Management Ltd v Coates [2017] EWHC 877
(Ch)

Octagon Overseas Ltd, Canary Riverside Estate Management Ltd v Various Leaseholders [2016]
UKUT 0470 (LC)

Cain v LB Islington [2015] UKUT 0542 (LC)

Hackney LBC v Akhondi [2013] UKUT 439 (LC)

Chowdhury v Bramerton Management Company Ltd [2014] UKUT 260 (LC)

Kolup Investments Ltd v Al-Dhahir [2013] UKUT 136 (LC)

Church Commissioners v Koyale Enterprises Inc, Thaleswar [2012] L&TR 24, [2012] 2 EGLR 42

Recommendations

"Amanda Gourlay is brilliant and a safe pair of hands." "She is very knowledgeable on service charges."

Chambers UK 2023

"A real specialist in service charge work."

Chambers UK 2022

"Very knowledgeable on service charge disputes."

Chambers UK 2021

"Technically very capable and has a very detailed knowledge of this area of law."

Legal 500 2021 (Property Litigation)

"She has encyclopaedic knowledge of residential leasehold issues."

Legal 500 2020 (Property Litigation)

"She has an encyclopaedic knowledge of residential service charge issues and is very practical and commercially-minded."

Chambers UK 2020

Publications

- Estates Gazette (2014): "Two professions divided by a common language", co-authored with Gordon Whelan, ACA: discussion of the meaning of "incurred" in the commercial and residential service charge

context from a legal and accounting perspective.

- Property Law Journal (2011): "Default judgments and final determinations": whether a default judgment is a determination for the purposes of section 81 of the Housing Act 1996.

Qualifications

- GDL (Distinction), Kingston University
- MA (Cantab), Modern & Mediaeval Languages (French & Russian)

Memberships

- Chancery Bar Association
- Property Bar Association

Languages

- English
- French