

TANFIELD

PROPERTY & REAL ESTATE BARRISTERS



Christopher Heather QC

Year of call Silk
1995 2017

Christopher Heather QC's expertise encompasses all aspects of real property, commercial and residential landlord and tenant and associated professional liability.

He has a keen interest in the principles of valuation in a range of different contexts and particularly enjoys working with (and cross-examining) expert witnesses.

Christopher has been recommended for property and real estate litigation in the main directories for many years.

Real Property

Christopher's work includes mortgages, land registration, boundaries, easements, freehold covenants, options, overage, trespass and squatters.

He is known for his advisory work in relation to complex transactions and developments. He has advised institutional investors in relation to ownership structures, and advised in relation to the 2017 purchase of one of the substantial reversionary interests in the Bluewater shopping centre.

Recent work includes:

- High value rectification claims under Schedule 4 of LRA 2002 following mistakes by the Land Registry.
- Advising in relation to discharge or variation of freehold covenants for a multi-million pound property in Hampstead.

- Obtaining possession of a substantial greenfield site for a national housebuilder where an adjoining business was claiming adverse possession and easements of storage on part of site.
- Acting for a national house-builder in relation to an agent's aim for an introduction fee.
- Advising a pension fund on the legal and physical structure of a London development to reduce prospects of successful enfranchisement and LTA 1987 rights.

Landlord & Tenant

All aspects including break clauses, forfeiture, assignments, dilapidations.

Recent work has included:

- Acting for a restaurant chain in litigation concerning agreements for lease at the Arndale Centre redevelopment in Eastbourne.
- Acting for the developers of 41 Conduit Street in dispute with landlord/adjoining owner re alterations/trespass.
- Landlord's redevelopment rights in the context of LTA 1954 and LRHUDA 1993.

Leasehold Enfranchisement

Acting for landlords and tenants in claims under the 1967 and 1993 Acts.

Professional Negligence

Christopher is currently instructed on a number of high-value negligence claims against solicitors, valuers and barristers. He acts for claimants and defendants and has been involved in multi-million pound claims involving complex issues of liability and quantum.

Recent work includes:

- Acting for a purchaser whose solicitors failed to advise in relation to the effects of granting a sub-lease for tax purposes on a claim to acquire the freehold of a house in central London under the LRA 1967.
- Acting for a tenant whose solicitors failed to register notices claiming new leases at the Land Registry.
- Acting for a solicitor in relation to a claim for failure to advise a purchaser on the implications of the leasehold interests in a building where there had been a previous collective enfranchisement.

Mediation

Christopher understands the importance of ADR and has assisted clients to achieve settlements at, and as a result of, successful mediations and round-table meetings.

Pro Bono Work

Christopher has been a member of the Bar Pro Bono Unit for many years and regularly provides advisory and advocacy assistance. He is also a member of the Chancery Bar Association's Pro Bono Sub-Committee.

Notable Cases

Rees v 82 Portland Place LLP [2020] EWHC 1177 (Ch)

Land Registration – Unilateral Notices – Mistake by the Land Registry – Rectification of the Register under Schedule 4 to the Land Registration Act 2002 – whether “unjust not to” – Enfranchisement – failure to protect a claim with a unilateral notice.

Urwick v Pickard [2019] UKUT 365 (LC)

Land Registration – Restrictions – Appointment of manager under Landlord and Tenant Act 1987 – Failure to enter a restriction – effect of transfer of freehold pursuant to collective enfranchisement.

Southwark LBC v Royce [2019] UKUT 331 (LC)

Service charges – district heating – major works – contractual construction.

Victory Place Management Co Ltd v Kuehn [2018] EWHC 132 (Ch)

Contractual discretion – permission to keep pets – Wednesbury unreasonableness – pre-determination.

Octagon Overseas Ltd v Coates [2017] UKUT 190 (LC)

Management orders – insurance.

Snowball Assets Limited v Huntsmore House (Freehold) Limited [2015] UKUT 0338 (LC)
Collective enfranchisement – s.1(4) – counter-notices – offer of equivalent rights – jurisdiction of Tribunal.

Law Society of England & Wales v Shah [2014] EWHC 4382 (Ch)
Jurisdiction of court to restrain struck off solicitor from holding himself out as a solicitor – reserved legal activities – Solicitors Act 1974 s.41(4).

Merie Bin Mahfouz Co (UK) Ltd v Barrie House (Freehold) Ltd [2014] UKUT 390
Leasehold enfranchisement – elective leasebacks – existence of unit – common parts.

Hauser v Howard De Walden Estates Ltd [2013] UKUT 597 (LC)
Leasehold enfranchisement – flying freeholds – relativity.

DG v Bromley LBC [2013] UKUT 373 (AAC)
Tenancies for life – whether a “long tenancy” for the purposes of Housing Benefit Regulations.

Rey-Ordieres v Lewisham LBC [2013] UKUT 14 (LC)
Service charges – PFI – major works – level of preliminaries, overheads and profit in £73 million PFI refurbishment project to housing stock; relevance of EU procurement process to reasonableness of costs under s.19 of LTA 1985.

Point West London Limited v Rothschild Trust (Bermuda) Limited [2012] EWCA Civ 884
Application to set aside stay of execution pending hearing of appeal.

Barrie House Freehold Ltd v Merie Bin Mahfouz Company (UK) Limited (2012)
Collective enfranchisement: leasebacks of units.

Beech v Kennerley [2012] EWCA Civ 158
Easements: path to nowhere.

Hughes v Borodex Limited [2010] EWCA Civ 425
Assured tenancies – Local Government & Housing Act 1989 – disregard from assessment of rent under s.14 of Housing Act 1988 of value of improvements carried out by tenant during previous long residential tenancy.

Hilmi & Associates Limited v 20 Pembridge Villas Freehold Limited [2010] EWCA Civ 314
Leasehold enfranchisement – signature of notices.

Wilson v Grainger [2009] EWHC 3145 (Ch)

Adverse possession – rectification of the register, degree of factual possession and evidence of licence to use land.

Westminster City Council v CH2006 Limited [2009] UKUT 174 (LC)

Collective enfranchisement: requirements of agreement of terms of acquisition.

Recommendations

"He's incredibly good with clients and he's a clear and effective advocate."

Chambers UK 2021

"A fine academic mind yet also pragmatic and commercial in his approach."

Legal 500 2021

"He is extremely good at advising on knotty or unusual claims." "Wonderful to work with and very pragmatic." "He offers helpful advice and a fast turnaround."

Chambers UK 2020

"He will make himself available whenever he possibly can to assist on new or ongoing matters."

Legal 500 2020 (Property Litigation)

"Very intelligent and excellent in court."

Chambers UK 2018

"He is very knowledgeable and very user-friendly."

Chambers UK 2018

"Pragmatic, technically sound and extremely helpful and proactive."

Legal 500 2017

"He is extremely nice outside court and extremely robust in court."

Chambers UK 2017

"He is excellent with clients because of his calm and assured manner. He is very responsive and great to work with."

Chambers UK 2017

"He is quick to understand the client's priorities and aims."

Legal 500 2015

"Excellent; he knows his subject, thinks deeply and advises commercially."

Legal 500 2014

"Chris has a calm but authoritative manner, is very sound technically and is always willing to roll up his sleeves and get stuck in. He is also very easy to work with and has the ability to quickly build a rapport with clients, thus inspiring confidence."

Chambers UK 2014

"Very calming and has a close attention to detail."

Chambers UK 2013

"Technically excellent and commercially astute."

Chambers UK 2013

Publications

- Sub-editor, *Service Charges & Management* (3rd & 4th editions) (Sweet & Maxwell)
- Contributor, *Service Charges & Management: Law & Practice* (1st & 2nd editions) (Sweet & Maxwell)

Qualifications

- MA (Cantab)

Memberships

- Association of Leasehold Enfranchisement Practitioners
- Bar Pro Bono Unit
- Chancery Bar Association
- Professional Negligence Bar Association
- Property Bar association