

# TANFIELD

PROPERTY & REAL ESTATE BARRISTERS



## Daniel Dovar

Year of call  
1997

Daniel Dovar specialises in real property and leasehold law with an emphasis on landlord and tenant.

A leading junior in the Legal 500 for Property Litigation, in which he is described as 'superb', 'particularly good at the Upper Tribunal' and an 'Incredible advocate'.

He is also recommended as a leader in the field of Real Estate Litigation in Chambers and Partners who have described him as having 'Excellent knowledge of property-related disputes'

He is the co-author of Business Premises (6th Ed), Residential Possession Proceedings (now in its 10th edition), Boundaries and Easements (7th Ed) and an editor of the Landlord and Tenant Review as well as a contributor to Chambers' Service Charges and Management text (4th Ed) and Building Safety Act 2022.

Daniel sits as a Deputy Chancery Master and Judge of the First-tier Tribunal (Property Chamber) Residential Property and Land Registration Divisions.

## Commercial Landlord & Tenant

Daniel's commercial practice includes business lease renewal claims, property joint venture disputes, rent reviews and forfeiture cases.

He advises regularly on development issues such as restrictive covenants, building restrictions, rights of way

and easements.

## Residential Landlord & Tenant

On the residential side, Daniel deals with service charge disputes and right to manage claims. He receives regular instructions on enfranchisement and transactional matters as well as litigation and professional negligence issues.

## Notable Cases

### Unsdorfer v Octagon Overseas Ltd [2024] UKUT 59 (LC)

Whether a s.24 appointed manager is an Accountable Person under s.72 of the Building Safety Act 2022

### Martin's Commercial Ltd v Cineworld Cinemas Holdings Ltd [2023] EWHC 1925 (Ch)

Could proceedings be stayed to enable a tenant to seek a rent arrears reduction under the binding arbitration provided for by the Commercial Rent (Coronavirus) Act 2022

### Kaushal Corp v O'Connor [2023] EWHC 618 (KB)

Lease construction – did lease terms permit cost recovery for proceedings brought over refusal to consent to assignment – had demand been properly made for costs in accordance with lease terms.

### English Rose Estates Ltd v Menon [2022] UKUT 347 (LC)

Rectification by construction – whether lease permitted recovery of the cost of insurance premiums – case management – should a party have been permitted to raise issue on the morning of the hearing.

### Patwardhan v Ivygate Developments Ltd [2022] EWHC 3367 (Ch)

Lease extension – validity of notice – lease construction – was roof space included within the demise – whether adverse possession in the alternative.

### Riverside v Unsdorfer [2022] UKUT 98 (LC)

Appointment of a manager – Assignment of Landlord's Interest – Landlord and Tenant Act 1987 – Appeal Procedure – Fresh Point on Appeal.

**Oaklion Properties v Denbighshire CC [2021] UKUT 49 (LC)**

Compulsory Purchase Order – Residual and Comparable Valuations – Planning Permission

**Point West GR Ltd v Bassi [2020] EWCA Civ 795**

Powers of Tribunal on review (TPR r55)

**Point West v Bassi [2019] UKUT 137 (LC)**

Scope of FtT powers on review – s.20B time limits when landlord provides the service – s.19 assessment

**Rotenberg v Point West GR Ltd [2019] UKUT 0068 (LC)**

Multiple leaseholder representation – Tribunal Procedure Rules, rule 14 – Section 20C orders

**Reedbase v Fattal [2018] EWCA Civ 840**

Construction of lease – making good obligations – statutory service charge consultation – whether change in works invalidated consultation procedure.

**Coates v Marathon Estates Ltd [2018] UKUT 0031 (LC)**

Enforcement of FtT's orders – appointment of a manager – route by which final orders of the FtT can be enforced by way of penal notice and committal.

**Winchester Park Ltd v Sehayek [2016] EWHC 1216 (QB)**

Costs for injunction to restore lift service – whether landlord's obligations to provide service suspended due to non payment of service charges.

**Cantelmi v Hart [2016] UKUT 35 (LC)**

Boundary dispute – construction of conveyances of unorthodox semi detached houses – weight to give to evidence.

**Post Box Ground Rents v Post Box RTM [2015] UKUT 0230 (LC)**

Right to Manage applications under CLRA 2002 – whether a withdrawal is simply a withdrawal or is in fact a dismissal by withdrawal so as to trigger additional cost liability under s88.

**R (on the application of O Twelve Baytree Ltd) v Rent Assessment Panel [2015] 1 WLR 276;**

[2014] 3 All E.R. 732

Right to Manage applications under CLRA 2002 – right to withdraw a claim – cost consequences.

Furlonger v Lalatta [2014] EWHC 37 (Ch); [2014] L.&T.R.14

Construction of rent capping mechanism in leases linked to rateable value – application of Sudbrook Trading Estate to fix broken mechanism.

Ishack v Keskin [2014] CLCC (Ch)

Return of sums paid in anticipation of lease assignment that failed.

Simpole v Chee [2013] EWHC 4444 (Ch)

Ratification of contract for sale of land – seller was unaware that signature had been forged at time of exchange.

Cole v Billington [2013] EWCA Civ 502; [2014] B.P.I.R. 350

Challenge to amount charged against property.

Westland v MSD [2013] CLCC

Business lease renewal – annual rental for grade 1 listed former church with restrictive user clause.

Gritz v West End Quay Estate Management Limited [2013] UKUT 338 (LC)

Appeal from the LVT – Construction of service charge provisions under terms of occupational lease – whether encompassed recovery of expenditure incurred in relation to areas outside the estate and levied by a third party.

Mayfair & Belgravia Commercial Investments v Dukeminster Limited [2012] CLCC

Business lease – claim for dilapidations – cost of proceedings for permission to forfeit under s1 of the Leasehold Property (Repairs) Act 1938.

Shaw v East Bank Studios Limited [2012] HM Land Registry Adjudication

Rectification of the register on the grounds of fraud.

Stanmore v Fairfield [2012] CLCC

Business lease renewal – s30 (1) (f) Landlord and Tenant Act 1954 – whether sufficient evidence of funding

for development of hotel into residential apartments – date for termination – injunction for access – costs.

## Recommendations

"A superb advocate."

*Chambers UK 2024*

"Working with Daniel is a pleasure – he is efficient, commercial and an astounding advocate. He takes challenging matters in his stride and remains cool under pressure."

*Chambers UK 2024*

"Daniel gives quick, clear, accurate and decisive strategic advice. He has a wide breadth of experience in landlord and and tenant matters, particularly with tribunal work."

*Legal 500 2024*

"He has an encyclopedic knowledge of the space." "Daniel Dovar is a civil, responsive and thoughtful barrister."

*Chambers UK 2023*

"Daniel has a timely and client friendly manner, using his strategic thinking to produce great advocacy at court and in tribunals."

*Legal 500 2023*

"Daniel is an undeniable authority on possession claims and is well known for his approachability. He can be called on to assist with any property litigation matter, such is the breadth of his knowledge." "He is commercially minded and cuts through the issues to find a practical solution for the client."

*Chambers UK 2022*

"He has a real feel for the area. A very switched-on landlord and tenant practitioner."

*Chambers UK 2021*

"He has a good reputation."

*Legal 500 2021*

"An exceptionally nice guy who is rated highly."

*Chambers UK 2020*

"Very down to earth, responsive and commercial in his advice."

*Legal 500 2020 (Property Litigation)*

"He has particular expertise in commercial and residential property litigation as well as general landlord and tenant matters."

*Chambers UK 2019*

"Gains the confidence of judges with his depth of knowledge."

*Legal 500 2018*

"Very persuasive and intelligent."

*Chambers UK 2017*

## Appointments

- Deputy Chancery Master
- Judge of the First-tier Tribunal (Property Chamber) Residential Property and Land Registration Divisions

## Publications

- Boundaries and Easements 7<sup>th</sup> Edition (Sweet & Maxwell)
- Business Premises: Possession & Lease Renewal 7th Edition (Sweet & Maxwell)
- Residential Possession Proceedings 10th Edition (Sweet & Maxwell)
- Service Charges & Management 3rd Edition (Sweet & Maxwell)
- Megarry's Manual of the Law of Real Property 9th Edition (Sweet & Maxwell)
- Building Safety Act 2022 (The Law Society)
- Landlord and Tenant Review – Editor (Sweet and Maxwell)

## Qualifications

- BVC (Very Competent), Inns of Court School of Law
- LLB (Hons), Bristol University

## Memberships

- Chancery Bar Association
- Property Bar Association