

# TANFIELD

PROPERTY & REAL ESTATE BARRISTERS



## Edward Blakeney

Year of call

2016

Edward has a broad practice across all areas of property law, and is instructed as sole counsel or as part of a counsel team. He has particular experience in enfranchisement, disputes between neighbours, and landlord and tenant matters, and his work increasingly involves commercial and company law, both with and without a property law aspect.

Edward is frequently in Court in his own right, both in the County Court and the First-tier Tribunal, dealing with applications, hearings and single- or multi-day trials. He has also appeared in the Upper Tribunal and High Court unled, and has experience with urgent and without notice hearings. As part of a counsel team, Edward has appeared in the High Court, the Court of Appeal and the Supreme Court and is assisting with ongoing litigation in the Isle of Man.

Alongside his cases in court, Edward's advisory work encompasses a wide spectrum of property matters, whether they are anticipated or ongoing, litigious or transactional.

Edward is also direct access qualified.

## Landlord & Tenant

- Edward's cases include regular and complex possession and disrepair matters involving private landlords, social landlords, forfeiture, mortgagees, receivers, and trespassers.
- He also acts for both tenants and landlords in the First-Tier Tribunal on service charges, leasehold and collective enfranchisement, and Right to Manage disputes. When landlords cannot be found or fail to respond appropriately to notices under the Leasehold Reform, Housing and Urban Development Act

1993, Edward is often instructed to appear in the County Court to obtain Vesting Orders or orders for the acquisition of a new lease/ the freehold.

- Edward has dealt with a number of matters concerning the Right of First Refusal under the Landlord and Tenant Act 1987.
- In conjunction with the above, Edward advises on the validity of statutory notices and processes under the various landlord and tenant legislation.
- Edward is also instructed in respect of commercial property cases, particularly contested and uncontested business lease renewals.

## Real Property

- Edward has a busy real property practice advising and acting for clients. He regularly deals with cases arising between neighbours and property owners, including those involving easements, covenants, boundary/ party wall disputes and nuisance (both statutory nuisance in the Criminal Courts and private nuisance in the Civil Courts).
- Where the matter relates to co-ownership or trusts of land, Edward has experience with applications under TOLATA 1996 for Orders for Sale, the determination of beneficial interests and the exercise of trustees' powers.
- Edward has also been involved in a number of cases concerning property transactions, rectification/ alteration of the land register and adverse possession. He is experienced in dealing with disputes involving proprietary and promissory estoppel and allegations of misrepresentation, undue influence, unjust enrichment, unconscionable bargains and fraud.

## Professional Negligence

- In connection with his main areas of practice, Edward is instructed in property-related professional negligence cases, particularly those involving solicitors.

## Banking & Mortgages

- In addition to his experience with mortgagee possession matters, Edward has dealt with a range of case relating to mortgages. These include obtaining Charging Orders and Orders for Sale in respect of property, advising on the appointment and powers of Receivers, and raising and defending against claims of undue influence.

## Commercial Disputes

- Edward is instructed on commercial matters in his own right, including small claims and fast-track trials. He also advises on a wide range of commercial, company and contractual issues, such as the construction and interpretation of contracts, remedies for breach of contract, and remedies available to companies, directors and shareholders. His commercial work often has a property element, however Edward is experienced with purely commercial matters as well.
- Edward also has significant experience being led in larger and more complex commercial disputes as part of a counsel team, and has appeared in the High Court, Court of Appeal and Supreme Court with barristers both in and out of Chambers. He has also assisted leading counsel with case and trial preparation in matters before the Courts of England and Wales and the Isle of Man.

## Notable Cases

### UCP Plc v Nectrus Ltd [2021] EWCA Civ 57

Led by Andrew Butler QC and with Andrew Legg, the Court of Appeal addressed the jurisdiction under CPR 52.30 to re-open a refusal of an application for permission to appeal. The Court also considered whether the rule against reflective loss applied to ex-shareholders following the Supreme Court's Judgment in Sevilleja v Marex [2020] UKSC 31.

### Kensquare Limited v Boakye [2020] UKUT 359 (LC)

Edward appeared as sole counsel in the Upper Tribunal, having acted for the successful tenant at first instance. The Upper Tribunal considered whether time is of the essence for service charge machinery, as well as the recoverability of legal costs as administration charges and service charges. Edward and James Fieldsend have been granted permission to appeal to the Court of Appeal.

### Church Commissioners for England v Beg LON/00AW/OLR/2020/0446

In perhaps the first case under section 61A of the Leasehold Reform, Housing and Urban Development Act 1993, Edward obtained substantial compensation for a landlord following an ineffective lease extension claim. The FTT considered the legislative framework and the valuation principles that apply.

### TBD (Owen Holland) Ltd v Simons & Ors [2020] EWCA Civ 1182

Led by Andrew Butler QC, the Court of Appeal considered and gave guidance on search orders and 'imaging orders' (which concern the copying of digital materials). The Court set out the inter-relationship between the two types of orders and the principles that applied to obtaining and carrying out each of them.

## UCP Plc v Nectrus Ltd [2019] EWHC 1732 (Comm); [2019] EWHC 3274 (Comm)

Led by Andrew Butler QC and with Andrew Legg, the High Court determined bifurcated questions on liability and quantum of loss arising out of an investment management agreement. The decision involved principles regarding the interpretation of contracts, scope of duties, and reflective loss.

As junior to Carl Fain, Edward acted in a dispute between a bank and two brothers over possession of a property, which turned on allegations of undue influence between the brothers. The brother of Carl and Edward's client offered no evidence shortly before trial, effectively conceding the case.

## Wells v Devani [2019] UKSC 4

Led by Andrew Butler QC, the Supreme Court ruled on the formation of oral contracts, certainty of contracts, and the effect and application of the Estate Agents Act 1979.

## Recommendations

"Ed is excellent; a star of the future. Unflappable, hard working, willing to get stuck in, clever and easy to work with."

*Legal 500 2022 - Rising Star*

## Awards

- Buchanan Prize, Lincoln's Inn
- Lord Denning Scholarship, Lincoln's Inn
- D.K. Broster Exhibition in History, St Hilda's College, Oxford

## Qualifications

- BPTC (Outstanding), City Law School
- MA (Oxon)
- GDL (Distinction), City Law School
- History (2:1), St Hilda's College, Oxford

# Memberships

- Property Bar Association