

TANFIELD

PROPERTY & REAL ESTATE BARRISTERS



Richard Granby

Year of call

2012

Richard Granby's practice encompasses the full range of real property disputes as well as landlord and tenant matters including service charge disputes, residential and commercial forfeiture and contested lease renewals under the Landlord and Tenant Act 1954.

Richard appears in all levels of the Court and Tribunal system, whether alone or led, and accepts instructions from freeholders, LPA receivers and mortgagees as well as management companies, leaseholders and borrowers. Where appropriate, Richard appears as sole counsel in the High Court and has appeared without a leader in the Court of Appeal.

Prior to pupillage, Richard read History at Gonville and Caius College, University of Cambridge and is a Denning, Hardwick & Eastham Scholar of Lincoln's Inn.

Landlord & Tenant

Richard appears in the full range of disputes arising from commercial property including contested and uncontested lease renewals under the Landlord and Tenant Act 1954 and proceedings following forfeiture.

Richard represents leaseholders, freeholders and management companies in service charge disputes in the First-tier Tribunal (Property Chamber) and advises on obligations and liabilities, and costs recovery, under the terms of long leases. Richard has experience of bringing and defending challenges to the reasonableness of service charges, the entitlement to recover identified costs against leaseholders and the enforcement of the costs of major works following s.20 consultation.

Richard frequently appears in proceedings for forfeiture of residential long leases and relief from forfeiture. Richard provides advice and representation in matters relating to statutory security including under the Rent Act 1977.

Richard frequently acts in claims relating to disrepair in commercial and residential property as well as claims for Rent Repayment Orders and proceedings relating to property licensing offences.

Real Property

Richard advises and acts for clients in all areas of property law including:

- Adverse possession
- Alteration and rectification of the land register
- Boundary disputes
- Constructive / resulting trusts
- Easements
- Mortgages
- Orders for sale
- Proprietary estoppel
- Restrictive and positive covenants
- Rentcharges

Richard had a particular interest in mortgages and the powers and duties of receivers and frequently provides advice and representation to both receivers and mortgagees as well as residential and commercial borrowers.

Richard undertakes a substantial amount of work concerning rights over land including easements and rights of way as well as boundary and registration disputes in both courts and the First Tier Tribunal (Land Registration Division).

Richard is regularly instructed in trials concerning beneficial ownership of property and other claims under the provisions of the Trust of Land and Appointment of Trustees Act 1996.

Notable Cases

Unled Work

Assethold v Franco [2022] UKUT 285 (LC)

Successful appeal to the Upper Tribunal (Lands Chamber) in a 'double hatting case' in respect of a landlord's enforcement costs and the correct jurisdiction for determining the landlords' costs claimed under the CPR.

Armsby v Pointalls Allotments Limited [2022] EWHC 2803 (Ch)

Appeal before Mr Justice Miles on whether A1P1 of the European Convention on Human Rights fetters a private landlords statutory right to determine a tenancy.

Assethold v Hoy and Fox [2022] UKUT 173 (LC); [2022] 6 WLUK 442

Upper Tribunal (Lands Chamber) appeal on implied conditions precedent for the pay-ability of service charges, whether strict compliance with the terms of a lease is necessary for payment to be due and the extent to which the FTT can consider hypothetical problems with the landlords insurance cover when determining the reasonableness of the cost of that insurance.

Obi-Ezekpazu v Avon Ground Rents Ltd [2022] UKUT 121 (LC); [2022] 2 P. & C.R. DG21

Upper Tribunal (Lands Chamber) appeal on constructive knowledge between successors in title and the interaction between the incorporation of s.196 of the Law of Property Act 1925 into a lease and the service requirements for Ground Rent notices under s.166 of the Commonhold and Leasehold Reform Act 2002.

Boukadida v Priory Place (Abbey Wood) RTM Company LTD & Others [2021] UKUT 160 (LC); [2021] 7 WLUK 144

Upper Tribunal (Lands Chamber) appeal on what constitutes adequate reasons in a decision of the First Tier Tribunal.

Oshin v Greenwich RBC [2020] EWCA Civ 388; [2020] P.T.S.R. 1351

Court of Appeal case concerning misrepresentation inducing the grant of a tenancy

Timbo v Lambeth LBC [2019] EWHC 1396 (Ch); [2019] 5 WLUK 729

A claim for relief from forfeiture of a residential long lease outside of the 6-month time period provided for in the County Courts Act 1984. Application of the Common Law Procedure Act 1852 to equitable claims for relief. Successfully resisted the application on the basis of the legal time limits.

9 The Upper Drive Limited v Copse Mill Properties Ltd [2019] UKUT 0337 (LC)

Successful appeal of a order by the FTT striking out an application for determination of collective enfranchisement as an improper use of the FTT's case management powers, raised issues of local practice and the correct interpretation of Tribunal Rules.

Led Work

Adam v City of Westminster [2018] EWCA Civ 2742; [2019] H.L.R. 15

R (C) v Islington LBC [2017] EWHC 1288 (Admin); [2017] H.L.R. 32

R (Turley) v Wandsworth LBC [2017] EWCA Civ 189; [2017] H.L.R. 21

R (Woolfe) v Islington LBC [2016] EWHC 1907 (Admin); [2016] H.L.R. 42

Awards

- Denning, Hardwick & Eastham Scholar, Lincoln's Inn

Memberships

- Property Bar Association
- Chancery Bar Association