

TANFIELD

PROPERTY & REAL ESTATE BARRISTERS



Sam Madge-Wyld

Year of call
2008

Sam Madge-Wyld is an experienced and renowned expert in property law, with a particular expertise in landlord and tenant and mortgages. He is recommended by both the Chambers & Partners and Legal 500 guides who comment that he "has excellent judgment", "is confident under pressure" and "knows housing law backwards".

He is regularly called upon to act and advise on a diverse range of property disputes in both the commercial and residential sectors. Recent examples include disputes that have arisen from the redevelopment of land, the ownership of land, the condition of commercial and residential leasehold premises, mortgages over land, enfranchisement and the tenant's right of first refusal, the management of leasehold premises, neighbour disputes, residential and commercial service charges, rent reviews, contracts for the sale of land, applications to the Land Registry, injunctions to restrain interferences over land and the enforcement of housing offences. His practice also includes claims for professional negligence against solicitors, surveyors, managing agents and other professionals that arise from property related issues. The variety of his instructions means that he has appeared in the county court, High Court and Court of Appeal, while also the First-tier and Upper Tribunals and, occasionally, magistrates' courts too.

Sam's knowledge and expertise derives from the fact that he writes extensively and regularly in his areas of expertise. He is the co-author of *Defending Possession Proceedings* (2022), *Service Charges and Management* (2022), *Housing Law Casebook* (2017) and *Quiet Enjoyment: Protection from Rogue Landlords* (2017). He also writes, with HHJ Luba KC, a regular monthly column on the recent developments in housing law, along other articles for a number of legal journals and publications. He also lectures and teaches solicitors, property managers, private landlords and letting agents at conferences and seminars across the country.

He accepts instructions on a direct access basis from the public.

Landlord & Tenant

Sam acts for residential and commercial lessors, lessees, property managers and surveyors on a wide variety of leasehold disputes including:

- Claims for possession under Landlord and Tenant Act 1954
- Dilapidations
- Forfeiture
- Lease extensions
- Lease variations
- Leasehold enfranchisement
- Management disputes
- Rent reviews
- Rent Act, assured and secure tenancy disputes
- Rent repayment orders and other enforcement and prosecutions under the Housing Act 2004
- Right to manage claims
- Service charges
- The inter-relationship between the Human Rights Act 1988, Equality Act 2010 and other public law principles to landlord and tenant disputes
- The right to buy
- The right to rent (Immigration Act 2014) and other regulation of private landlords
- And all other hearings in the First-tier Tribunal (Property Chamber) and Upper Tribunal (Lands Chamber)

He presents seminars and speaks at conferences on the recovery of ground rent, service and administration charges, lease variations, service of property notices and the application of the Equality Act 2010 to leasehold premises.

Real Property

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

- Adverse possession
- Boundary disputes
- Nuisance
- Freehold covenants
- Rentcharges

- Alteration and rectification of the land register
- Mortgages
- Orders for sale
- Trusts of land
- Co-ownership (constructive/resulting trusts)
- Proprietary estoppel
- Developments
- Injunctions against protestors
- Claims under the Inheritance (Provision for Family and Dependants) Act 1975

Social Housing

Prior to joining Tanfield Chambers, Sam had a busy social housing practice and was recommended in both the Legal 500 and Chambers UK for social housing. He is also the co-author of three of the leading textbooks in the area (Housing Law Casebook, Defending Possession Proceedings and Quiet Enjoyment). He has extensive experience of acting for local authorities, housing associations and tenants/applicants in:

- Assured and secure tenancy disputes
- Homelessness and allocations
- The right to buy
- The provision of housing to children and vulnerable adults under Children Act 1989 and Care Act 2014
- Unlawful eviction disputes

Banking & Mortgages

Sam, as a part of his real property practice, acts for and against banks, other lenders and LPA receivers in all types of mortgage litigation.

Professional Negligence

Sam advises and acts on property related professional negligence for and against managing agents, surveyors and solicitors.

Notable Cases

Properties AY&U Ltd v Barham House Freehold Ltd [2022] UKUT 231 (LC)

Leasehold enfranchisement / price paid at auction close to valuation date was not determinative of building's value.

Vectis Property Company Ltd v Cambrai Court Management Company Ltd [2022] UKUT 42 (LC)

leasehold enfranchisement / development value from rooftop development.

H Stain Ltd v Richmond [2021] UKUT 66 (LC)

Service charge not payable because lease machinery (provision of notice) not complied with by landlord.

UK Oil and Gas v Persons Unknown [2018] EWHC 2252 (Ch).

Quia timet injunction to restrain protestors from trespassing to land and undertaking direction action.

Newham LBC v Harris [2017] UKUT 264 (LC)

Rent repayment orders.

Southwark LBC v Akhtar & Stel LLC [2017] UKUT 150 (LC)

s.7, Interpretation Act 1978 does not apply to service of notices under Landlord and Tenant Act 1985 unless a lease expressly incorporates s.196, Law of Property Act 1925; an estimated service charge demand served towards the end of the service charge year was not recoverable under the lease unless strict compliance with the lease had been waived.

Southwark LBC v Various Lessees of St Saviours Estate [2017] UKUT 10 (LC)

The cost of replacing front entrance doors, which did not meet fire safety requirements but were found not to be in disrepair, was not recoverable as a service charge.

Mohamoud v Kensington & Chelsea RLBC [2015] EWCA Civ 780; [2016] PTSR 289; [2015] HLR 38

The Court of Appeal considered the application of s.11 Children Act 2004 to possession claims brought by local authorities.

Birmingham CC v Merali [2015] EWCA Civ 49; [2016] QB 455; [2015] HLR 27

Eligibility / homelessness – the application of Zambrano to homeless applications under Part 7 Housing Act 1996.

Birmingham CC v Lloyd [2012] EWCA Civ 969; [2012] HLR 44

Trespassers must establish the most exceptional circumstances before being permitted to raise an Article 8 defence to a possession claim.

Recommendations

"Sam is extremely clever, hard-working and diligent."

Chambers UK 2024

"Sam is very personable, astute, commercial and pragmatic."

Chambers UK 2024

"Sam is incredibly knowledgeable and has an encyclopedic knowledge of residential landlord and tenant law."

Legal 500 2024

"Sam is not only a brilliantly technical lawyer but he is very confident under pressure and has excellent judgement."

Legal 500 2023 (Property Litigation)

"Sam's advice is clear, detailed and well considered, and he provides practical and creative solutions to issues."

Legal 500 2023 (Social Housing)

"He is very good at finding public law points in otherwise normal cases and grasps the depth of issues involved in these sorts of cases."

Chambers UK 2022 (Social Housing)

"Sam has broad expertise in all matters relating to social housing. Sam is capable of spotting the important points in cases that might otherwise seem unwinnable."

Legal 500 2022 (Social Housing)

"He knows housing law backwards."

Chambers UK 2021 (Social Housing)

"Sam is intelligent and incisive. He can absorb complex and voluminous case papers quickly and get to the heart of the matter. Clients are confident when he is at the helm and he always delivers. He has a great rapport with clients who warm to him as soon as they meet him."

Legal 500 2021 (Social Housing)

"Very good and very reliable."

Legal 500 2020 (Social Housing)

"He's very approachable. He has a laid-back manner but also a quiet confidence which reassures the clients."

Chambers UK 2019 (Band 2, Social Housing)

"Real expertise in leasehold work before the residential property tribunal."

Legal 500 2018

"Extremely confident and very impressive. He got hold of a complicated case at the last minute and got a good result." "He is really reliable and gives consistently good service."

Chambers UK 2018 (Band 2, Social Housing)

Publications

- Co-author: Defending Possession Proceedings (Legal Action Group, 8th & 9th Edition, 2016 & 2022).
- Co-author: Service Charges and Management (Sweet & Maxwell, 4th & 5th Edition, 2018 & 2022)
- Co-author: Defending Possession Proceedings (Legal Action Group, 8th Edition, 2016).
- Co-author: Housing Law Casebook (Legal Action Group, 6th & 7th Edition, 2015 & 2017).
- Co-author: Quiet Enjoyment (Legal Action Group, 7th & 8th Edition, 2012 & 2017).
- Co-author: Recent Developments in Housing Law (Legal Action Group, July 2018 – present)
- Co-author: Service Charges and Management (Sweet & Maxwell, 4th Edition, 2018)
- Contributor: The LVT Bulletin, a monthly online digest of cases relevant to leasehold property (News on the Block, 2013-2015)
- Annotations: Local Government Encyclopedia (Sweet & Maxwell, looseleaf, 2014). Annotations to the Human Rights Act 1998.
- Assistant Editor: Local Government Finance: Law and Practice (Sweet & Maxwell, looseleaf, 2012-2016).

Memberships

- Property Bar Association