

Timothy Dutton QC

Call 1985

Silk 2013

tdutton@maitlandchambers.com



Tim is recognised as a leading property silk, and acts in both contentious and non-contentious matters.

A significant proportion of Tim's cases are commercial chancery cases with a "property flavour". Examples from his reported cases include *KPMG v. Network Rail (CA)* (claim for "rectification by construction" and for rectification in equity – the case was an important pre-cursor to the Supreme Court's decision in *Chartbrook v. Persimmon Homes*); *Meretz v. ACP (ChD/CA)* (multi-faceted claim, including claims in conspiracy, and procuring breach of contract); *FoodCo v. Henry Boot Developments* (alleged mis-selling of shopping centre and effect of non-reliance clauses); *Williams v. Redcard* (execution requirements of sections 43 and 44 of the Companies Act 2006), and *Re Blenheim Leisure Ltd (CA)* (whether a landlord has *locus standi* to oppose an application to restore a company to the register).

But Tim also specialises in what may be regarded as pure property litigation. Again, a sample of his reported cases gives an indication of the breadth of his practice: *Housden v. Conservators of Wimbledon and Putney Commons (ChD/CA)* (whether it is possible to acquire prescriptive rights over Wimbledon and Putney Commons); *Cravecrest v. Duke of Westminster (UT/CA)* – whether the price payable on a collective enfranchisement can include development value (appeal to the Supreme Court later in 2014)); *Legal & General v. Expeditors International (ChD/CA)* (meaning of "vacant possession" in a break option, and whether break conditions had been waived); *Renewal Leeds v. Lowry Properties (ChD)* (interpretation of overage clause); *Centreland Management v. HSBC (ChD)* (renewal of business tenancies – test to be applied when deciding whether a "Calderbank" offer has been beaten), and *First Penthouse v. Channel Hotels and Properties (ChD/CA)* (whether licence to assign withheld for collateral purpose).

The clerks are happy to discuss the basis on which Tim will act in any given matter. In the absence of express written agreement otherwise, the terms under which Tim accepts instructions are The Standard Contractual Terms for the Supply of Legal Services By Barristers to Authorised Persons 2012 (as updated from time to time) referred to in the BSB Handbook.

Notable Cases

Trillium (Prime) Property GP Ltd v Elmfield Road Ltd (2018)

Friends Life Management Services Ltd v A & A Express Building Ltd (2014)

Centreland Management LLP v HSBC Bank Pension Trust (UK) Ltd (2013)

Cravecrest Ltd v Trustees of the Will of the Second Duke of Westminster & Ors (2013)

Roger Williams & Ors v Redcard Ltd & Ors (2011)

maitland

CHAMBERS

Daniel Pittack v Muhammad Maximilian Naviede (2010)

Linpac Mouldings Ltd v Aviva Life & Pensions UK Ltd (Formerly Norwich Union Life & Pensions) (2010)

FoodCo UK LLP (T/A Muffin Break) & Ors v Henry Boot Developments Ltd (2010)

Heronlea (Mill Hill) Ltd v Kwik-Fit Properties Ltd (2009)

Michael Housden & Anor v Conservators of Wimbledon & Putney Commons (2008)

KPMG v Network Rail Infrastructure Ltd (2007)

Meretz Investments NV & Ors v ACP Limited and Ors (2006)

Kenneth Hart & Ors v Susan Burbidge & Ors (2013)

Konstantinidis v Townsend

Go West v Spigarolo

Clinton Cards (Essex) Ltd v Sun Alliance & London Assurance Co Ltd (2002)

Gilje v Charlegrove Securities Ltd (2003)

West Sussex Properties v Chichester District Council (2000)

Forrester v UYCF (2000)

Hallissey v Petmoor Developments Ltd (2000)

Peter Pexton v Wellcome Trust (2000)

Clarence Cafe (in administration) v Comchester Finance (1998)

Parc Battersea v Hutchinson

Fordgate Wandsworth v Bernard Neville & Co and Teacher Stern Selby (1999)

Re: Blenheim Leisure (Restaurants) Ltd (1999)

Re: Blenheim Leisure (Restaurants) Limited (No.2) (1999)

Wellcome Trust Ltd v Hammad (1997)

Barclays Bank PLC v Prudential Assurance Co Ltd (1997)

Memberships

Chancery Bar Association

Property Bar Association

Qualifications

BA (Dunelm)



Timothy C Dutton QC

Recommendations

Chambers UK

Real Estate Litigation

"Very quick to pick things up, very clear in his advice and gets on well with clients." "He's very effective, gives good opinions and is a very user-friendly person to deal with." (2021)

"He is responsive and offers sound advice and a superb knowledge of property law." "He is an excellent barrister who has a good rapport with clients." "He is very polite and measured." (2020)

"He gives expert advice, is well liked by clients and is a brilliant advocate." "Very commercial and very persuasive." (2019)

"An excellent advocate who is very personable with clients." (2018)

"Tim is an excellent barrister who has a good rapport with clients and a real feel for landlord and tenant disputes. He is particularly strong on rent review matters and his advice is always excellent." (2017)

"An experienced specialist handling all aspects of property litigation." (2015)

"He is excellent on paper, in conference and in court." (2015)

"He is easy to work with and very good at explaining difficult legal points to the lay client." (2015)

"Stands out to clients in the property disputes field as a result of his strengths as an advocate." (2014)

"Tim provides well thought-out legal advice which is very sensitive to the client's needs and the underlying commercial realities." (2014)

"A first-class knowledge of property law, is never shy of providing definite advice and is someone to whom clients react very well." (2013)

"Gets great enjoyment from arguing cases and is much appreciated by judges." He is "quick to grasp a problem and has a real knack of explaining it in court." (2012)

"Inspires great confidence." (2011)

"A thorough and incredibly knowledgeable junior," who has "an impressive ability to analyse the most complicated and messy commercial real estate scenarios." (2010)

UK Legal 500

Property Litigation

"Extremely responsive." (2012)

maitland

CHAMBERS

"Good technical knowledge." (2011)

"Enthusiastic and proactive." (2010)

Legal Experts, 2012

Commercial Litigation, Property