MAITLAND

+44 (0)20 7406 1200

TIM CALLAND

CALL: 1999
tcalland@maitlandchambers.com Email Clerks



OVERVIEW

Tim has more than twenty years' experience providing advice and advocacy across the full range of commercial-chancery litigation. Much of his practice relates to property litigation (including telecommunications-related property litigation),and his broad experience gives him particular expertise in property cases that involve company, insolvency, trust or financial law, aswell as related professional negligence.

He has appeared in courts and tribunals at all levels, including in the Supreme Court and in the Court of Appeal on many occasions. He also appears in and has acted as a legal assessor in arbitrations.

The directories report him to be a ***"superb advocate"***, with ***"an amazing legal brain that can unlock even the trickiest legal problems"***, who ***"impresses peers and clients alike with his unflappable presence in court"*** and who is ***"detailed, clever and tough when he needs to be"***.

Sources say ***"he is just very good to work with. What ever you give him he takes on with such enthusiasm"***; he is ***"very approachable, commercial and great with clients"*** and ***"he is capable of picking up a case at very short notice and knowing it inside out and back to front in no time"***.

EXPERTISE

COMMERCIAL LITIGATION & ARBITRATION

Tim has substantial experience of business-to-business disputes and broader commercial litigation in a wide range of contexts and is able to bring his broad knowledge to find creative ways of approaching such cases.

Examples include:

- Representing the respondent to a Norwich Pharmacal application against a UAE-based professional who was prevented from disclosing information in his possession by UAE criminal law; part of the long-running Ablyazov litigation
- Representing a well-known middle eastern family, intervening in the UTB LLC v Sheffield United Ltd litigation (2019), to obtain orders to protect confidential information from being disclosed during the course of evidence in the trial
- A substantial claim by a finance house against a train manufacturer relating to the manufacture of train seats
- A claim relating to defective property arising out of a fraudulently procured insurance policy
- A claim to recover assets for a group of victims of a fraudulent forex-trading Ponzi scheme

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INSOLVENCY & ASSET RECOVERY

Extensive experience of both corporate and personal insolvency. Tim's experience covers every stage of the insolvency process, including contested petitions and administration applications, contested VAs, proof of claims, directions applications for creditors and office-holders, priority issues between secured creditors and claims relating to antecedent transactions, misfeasance and wrongful and fraudulent trading. Tim has a particular interest in property insolvency.

Tim's broad experience allows him to bring an imaginative approach to his work. An example is ***McGuinness v Norwich & Peterborough BS*** [2011] EWCA Civ 1286, where he argued that a guarantor's liability to a creditor was unliquidated and so unsuitable as a basis of a bankruptcy petition. The principle was eventually upheld in the Court of Appeal.

Other examples:

- Advising the administrators of a failed property-development company on the application of £15 million of damages awarded in a claim against the contractors who constructed tower blocks with defective and unsafe cladding
- Advising the liquidators of companies behind a failed fractional-ownership hotel-investment scheme on the recovery of assets from associates of its misfeasant directors
- Advising and representing a Chinese creditor in his application to place a UK plc into administration
- Advising liquidators on misfeasance and S.423 claims available following a company's use of aggressive tax-avoidance schemes that subsequently failed
- Representing the liquidators of a finance company in TUV and preference claims arising out of the restructuring of a major finance group
- Representing a trustee in bankruptcy in a long-running claim to recover a property that was subject to an IVA trust and that had been the subject of orders in matrimonial proceedings between the bankrupt and his wife

REAL ESTATE

REAL PROPERTY

Tim has extensive experience of most kinds of real property litigation, including title to land, rights over land, property-related torts and issues surrounding development and property finance. His clients range from large developers, estates and property funds to individual owners. His experience includes:

- Restrictive covenants: all issues concerning the construction, effect, enforcement and discharge of restrictive covenants. Recent cases include appearing in the Court of Appeal for the successful appellant in ***89 Holland Park Management Ltd v Hicks*** [2020] EWCA Civ 758 (with John McGhee KC), one of ***Property Week***'s top 10 property cases of 2020
- Easements: extensive experience of advising on and representing clients in disputes over easements and other prescriptive rights, including the leading modern case on the prescription of several fisheries, ***Loose v Lynn Shellfish Ltd*** [2016] UKSC 14, and more recently, representing the successful dominant owner in a claim to a right of way serving a church, ***The Incumbent of the Benefice of Saul v Hughes*** (2020)
- Development and overage agreements: Tim regularly advises on such agreements, and he recently represented ***Jesus College Oxford*** in arbitration on the construction of an overage agreement and the valuation of the overage (2018); he represented the successful developer in a recent dispute about the enforcement of an agreement for lease of a new-build retail unit in ***Ropemaker Properties Ltd v Bella Italia Restaurants Ltd & ors*** [2018] EWHC 1002 (Ch) (validity of termination notices) and ***Bella Italia Restaurants v Stane Park Ltd & ors*** [2019] EWHC 2747 (Ch) (effect of assignment under forward-funding agreement on enforceability of agreement for lease)
- Water, fisheries and the seashore: recent experience includes claims for urgent injunctive relief to protect water assets belonging to water and sewerage undertakers; advising on a statutory claim against the Environment Agency for compensation following river works to the Thames; representing riparian owners in claims against trespassing boat owners; and representing an ancient landed estate in the Supreme Court in a claim concerning the seaward extent of its prescriptive several fishery in ***Loose v Lynn Shellfish Ltd*** [2016] UKSC 14
- Mines and minerals: Tim represented Network Rail (with John McGhee KC) in the recent case of ***Tarmac Aggregates Ltd v Network Rail Infrastructure Ltd*** (2019), a claim under the Mining Code to establish the right to excavate limestone surrounding a railway tunnel, which settled on the first day of trial; and, also with John McGhee KC), Tim acted for the appellant in the appeal to the Court of Appeal in ***Branston Properties Ltd v ARC Aggregates Ltd***, a case concerning the construction of an exception or reservation of minerals; Tim also has experience of advising on mineral rights and other customary rights in a manorial context, with particular reference to Inclosure Acts and the enfranchisement of copyhold land
- Rights of light: recent experience includes advising on a number of light issues, including advising the dominant owner in a central London development, which resulted in a multi-million pound settlement, and acting for the developer in a prestigious central-London development next to a major railway station
- Utilities and railways: acting for water and sewerage undertakers, electricity undertakers and railway undertakers, including advising on title issues and representation in claims to protect underground and other assets. Tim's work for Network Rail in a recent Mining Code case has given him a detailed knowledge and understanding of historic railway legislation and related compulsory-purchase legislation

and how it affects modern title claims

TELECOMMUNICATIONS AND PROPERTY

Tim has significant experience of litigation under the Electronic Communications Code. He mainly acts for landowners and other site-providers, although he has advised and represented Code Operators as well. He has practised in this area under both the old Code and the new Code, in claims in the County Court and more recently in the Upper Tribunal. His experience includes the following:

- Claims under Paragraph 20 and Paragraph 21 of the old Code
- Representing the successful developer in one of the few reported decisions under the old Code, ***PG Lewins Ltd v Hutchison 3G UK Ltd and EE Ltd*** (2018), in which his client sought to enforce a lift-and-shift agreement and claimed damages for its breach. The operators unsuccessfully claimed the Code gave them statutory immunity from suit. The decision remains important for the interpretation of the new Code
- Appearing in a number of cases in the Upper Tribunal under the new Code, including one of the most important cases under the new Code, ***Cornerstone Telecommunications Infrastructure Ltd v London & Quadrant Housing Trust*** [2020] UKUT 282 (LC), in which the Tribunal comprehensively set out for the first time the proper approach to the valuation of consideration and compensation for rooftop sites under the new Code; it is also an important decision on sharing and upgrading rights, and on the costs of references under Paragraph 20 of the new Code: ***Cornerstone Telecommunications Infrastructure Ltd v London & Quadrant Housing Trust*** [2020] UKUT 341 (LC)

LANDLORD AND TENANT

All kinds of commercial and residential landlord and tenant litigation. His commercial experience covers the whole range of disputes, including contested lease renewals, dilapidations, rent-review arbitrations. He has a particular interest in the complex issues arising out of tenant insolvency (especially in the retail context); Tim is general editor of ***Butterworth's Property Insolvency***. Recent experience:

- Representing the tenant in ***AEW REIT Plc v Mecca Bingo Ltd*** (2021) (reported as ***Bank of New York Mellon (International) Ltd v Cine-UK Ltd & Others*** [2021] EWHC 1013 (QB)), one of four conjoined cases on the effect of the COVID-19 pandemic on the tenants' liability to pay rent under commercial leases, raising the construction of the rent-cesser provisions, implied terms and frustration; this is the first significant case of its kind
- Advising and representing (with Edwin Johnson KC) the claimant in a claim by a tenant of a retail unit on a retail park to restrain a derogation from grant by the landlord caused by it developing part of the estate as a drive-through Starbucks
- Representing a national developer in a contested lease renewal relating to a prominent building beside the Thames in London
- Advising a company that acquired the business of a national retailer in administration on the forfeiture of a lease of a major trading site
- Advising and representing clients in a variety of dilapidations claims, involving roofs, curtain walling and asbestos

Tim's residential L&T experience covers both long-lease issues – e.g. service charges, enfranchisement, management issues – and those arising from residential tenancies, including protected, statutory, secure and assured tenancies. Clients include large London estates and registered providers of social housing. Recent cases:

- Advising the freeholder of a prestigious central-London block of flats on applications to the FTT to vary leases so as to allow compliance with the Heat Network Regulations 2015
- Advising a high-net-worth client on disrepair issues affecting the penthouse of a central London residential tower
- Advising and representing a central-London flat-owner in a dispute with a company owned by a middle eastern royal family over its use of an adjoining property
- Representing a large London landowning estate in a claim for possession of a prime central London property subject to a statutory tenancy under the Rent Act

BANKING & FINANCIAL SERVICES

Tim frequently acts in claims for and against banks. He has a specialism in mortgage litigation, including the creation, construction, priority and enforcement of mortgages, as well as mortgage fraud and mortgage regulation.

- Representing a high-street bank in its defence of a complex fraud claim arising out of the global financial crisis, valued in the tens of millions of pounds
- Representing a private bank in a priority dispute in which a subsequent mortgagee alleged misconduct on the part of the bank
- Representing the purchaser of a substantial central London property in a dispute about whether the sale by a mortgagee bank had passed good title in circumstances where the borrower disputed the bank's right to sell

He has particular experience of acting for receivers and has spoken at the annual conference of the Non-Administrative Receivers Association. Examples:

- Advising a major high-street bank on its procedures for appointing fixed-charge receivers
- Defending receivers in a borrower's claim that they sold charged property at an undervalue
- Resisting applications for injunctions restraining receivers from dealing with charged property
- Advising on the appointment of receivers by way of equitable execution against a world-famous private art collection

Tim also acts in more general banking disputes, including guarantees, security over chattels and choses in action, asset finance and receivables finance, promissory notes, performance bonds, failure-to-lend cases, mis-selling of complex financial products and regulation under the FCA Handbook, e.g.:

- Representing a bank in a substantial claim for damages by a business customer for the bank's allegedly wrongful failure to lend it money
- Representing a bank in a claim for damages by a business customer for the bank's allegedly negligent

operation of its loan-facility account
- Advising a high-net-worth customer on claims against a bank for mis-selling a complex foreign-currency denominated loan product

PRIVATE CLIENT

He also represents clients in disputes concerning the construction of wills, the appointment and removal of trustees and executors, in contentious probate matters and in cases concerning vulnerable elderly clients.

Recent examples of work include:

- Representing a professional pension trustee in an urgent claim to compel its co-trustee to complete a disposal of part of the pension fund assets
- Representing executors in a claim to establish title to real property assets owned by the deceased under an assumed name

PROFESSIONAL NEGLIGENCE

Experience of claims against professionals relating to his main areas of practice (both claimant and defendant), including against solicitors (especially in property-related claims), accountants (especially in tax-related claims), receivers, valuers and architects. By way of example, Tim has recently advised a property-investment company on multi-million pound claims against solicitors arising out of the failure of fractional-ownership care-home schemes.

DIRECTORY QUOTES

"Tim is an exceptionally skilled and capable barrister with a skill for grasping the obscure with ease, while being able to present measured and uncomplicated advice and pleadings. He is direct in a way that is accessible for instructing solicitors and clients alike but does not compromise on quality."

Legal 500 UK Property Litigation (2027)

"Tim's strength lies in his versatility and dependability. His advocacy is calm, well-structure, and effective - he never wastes a word. He has a natural rapport with judges and a knack for making complex insolvency points accessible and persuasive. We have no complaints whatsoever."

Legal 500 UK Insolvency (2027)

"Tim is easy to work with, good with clients and good on his feet at trial. He is a very impressive advocate, who carries great authority."

Chambers UK Chancery: Commercial (2026)

"Timothy is able to apply detailed and nuanced legal principles and presumptions to the facts at hand with ease. He also does it in a way that is digestible and understandable for the client."

Chambers UK Chancery: Commercial (2026)

"Tim has an extensive and deep knowledge of property law. He combines this with a great depth of knowledge and experience of insolvency law."

Legal 500 Insolvency (2026)

"Timothy Calland is very good at building rapport with clients. He is a very fair advocate and very calm. He is very good at seeing the big picture and setting up a strategy."

Chambers UK Telecommunications (2026)

"Timothy Calland is a calming influence. He recognises there is no need to raise his voice even in the most difficult of circumstances and is good at getting his point across in a calm manner."

Chambers UK Telecommunications (2026)

"Timothy Calland is excellent in every way. He is always my go-to."

Chambers UK Telecommunications (2026)

"Timothy Calland is very responsive, has good commercial acumen and is good on his feet."

Chambers UK Telecommunications (2026)

"Tim is very clear and concise in his written advice. He is clever and thoughtful in his pleadings."

Legal 500 Property Litigation (2026)

"He is always excellent with clients and in court."

Chambers UK Real Estate Litigation (2026)

"Timothy had an excellent balance of authority and flexibility in court."

Chambers UK Real Estate Litigation (2026)

"He is amazingly bright and detailed."

CHAMBERS UK: TELECOMMUNICATIONS (2025)

"Tim is a pleasure to work with. He is good at explaining difficult concepts to clients and he is focused, pragmatic and commercial."

CHAMBERS UK: TELECOMMUNICATIONS (2025)

"Tim Calland has a lovely manner, gets the detail quick and works hard."

CHAMBERS UK: TELECOMMUNICATIONS (2025)

"Timothy is a very careful and measured barrister, who handles his cases with poise. He is a KC in the making."

CHAMBERS UK: CHANCERY COMMERCIAL (2025)

"Timothy works hard, is detailed, has a lovely manner and gets along with clients."

CHAMBERS UK: CHANCERY COMMERCIAL (2025)

"Tim is a brilliant property litigator who is able to handle complex, technical matters. His knowledge is brilliant and he is both very easy to deal with and very calm."

CHAMBERS UK: REAL ESTATE LITIGATION (2025)

"Tim exceeds expectations in delivering results. He is careful, measured and runs cases with poise."

CHAMBERS UK: REAL ESTATE LITIGATION (2025)

"Tim is very methodical in his advocacy."

CHAMBERS UK: REAL ESTATE LITIGATION (2025)

"Tim is strong on technical, detailed and complex matters. He is very good on the fine, granular details of cases."

CHAMBERS UK: REAL ESTATE LITIGATION (2025)

"Timothy Calland is incredibly easy to deal with, gets the job done and is very effective with clients. Responsive and a team player".

Chambers UK Guide 2024 - Real Estate Litigation (2024)

"Tim is very calm and measured, and excellent with clients. He is thoughtful and easy to approach. His advocacy is smart and confident."

Legal 500 Property Litigation (2024)

"Tim is very trustworthy and his clients respond well to his easy approach. A brilliant professional, his advocacy is calm and measured and the advice he gives is always well considered."

Legal 500 Property Litigation (2023)

"Tim is very accessible, gives clear, easily digestible advice which is commercial – everything the modern Bar should be."

LEGAL 500 INSOLVENCY (2023)

"Technically excellent and a man who is very pleasant to deal with." "He has a formidable reputation." "Timothy is probably the most user-friendly of any barrister. He is very good with clients and his advice is always spot-on."

Chambers UK Chancery: Commercial (2022)

"Tim is good at thinking around a problem and discussing tactics and commercial realities to formulate a strategy. He has a calm and authoritative manner with clients and can handle very difficult personalities with ease. Tim's written work is well crafted and succinct. Tim is excellent in court - up there with the best."

Legal 500 UK Property Litigation (2022)

"Tim grasps complex matters with ease." "He gets to grips with both the legal nuances of a case and the client's objectives and navigates a path to realise those objectives." "He is excellent on property disputes with a company law element."

Chambers UK Real Estate Litigation (2022)

"Calm, caring and happy to deal with any difficult situation even when tight for time."

Legal 500 UK Insolvency (2022)

"Tim has always been responsive, thorough and provided advice in a user-friendly way for the client to digest." "Very easy to deal with despite his enormous intellect."

Chambers UK Real Estate Litigation (2021)

"He is incredibly calming and never gets flustered. When you want a client to know everything is going to be

fine, Tim Calland is your man. He takes a very methodical, well thought-through and commercial view and is brilliant at breaking down complex issues." "Incredibly intelligent and interminably amicable in equal measure - he's someone you always want in your corner."

Chambers UK Chancery: Commercial (2021)

"Exceptional client skills and relevant expertise in the field of property litigation."

Legal 500 UK Property Litigation (2021)

"Significant, appropriate expertise and exceptional client skills."

Legal 500 UK Insolvency (2021)

"He's a technically sound and excellent advocate, with attention to detail." "He's responsive, user-friendly, thorough and extremely knowledgeable."

Chambers UK Chancery: Commercial (2020)

"He is incredibly user-friendly and able to distil complicated information into simple terms." "He is incredibly bright and very commercial." "He is very practical and calm."

Chambers UK Real Estate Litigation (2020)

"He assimilates large amounts of information quickly, and formulates good strategies and creative solutions."

Legal 500 UK Property Litigation (2017)

"Particularly rated for property-related insolvencies."

Legal 500 UK Insolvency (2017)

"He is really easy to deal with and extremely good with difficult clients - he's extremely down-to-earth and really understands the commercial side of things."

Chambers UK Chancery: Commercial (2017)

"A fantastic advocate who remains calm in a crisis and provides sharp, commercially focused advice on all instructions. A force to be reckoned with in the courtroom." "Very able and knows his stuff inside and out."

Chambers UK Real Estate Litigation (2017)

"He is just very good to work with. Whatever you give him he takes it on with such enthusiasm."

Chambers UK Chancery: Commercial (2016)

"He has a calm but confident manner with clients. He does not rush into responses but gives considered and detailed answers." "He provides very commercial advice."

Chambers UK Real Estate Litigation (2016)

MEMBERSHIPS

- Chancery Bar Association
- COMBAR
- Insolvency Lawyers Association
- Property Bar Association

AWARDS



Legal 500 2026
Shortlisted for Property and Housing Junior of the Year



Chambers UK Bar Awards 2026
Shortlisted for Real Estate Junior of the Year

NOTABLE CASES

- *Cornerstone Telecommunications Infrastructure Ltd v London & Quadrant Housing Trust (2020)*
- *(1) Ropemaker Properties Ltd (2) Churchmanor Estates Co Plc v (1) Bella Italia Restaurants Ltd (2) Casual Dining Ltd (2018)*
- *Jones v Oven (2017)*
- *(1) Patricia Ann Jones (2) David Jones v (1) Timothy Paul Oven (2) Ruth Oven (2017)*
- *Maria Puzitskaya & Ors v St Paul's Mews (2017)*
- *Lynn Shellfish Ltd v Loose (2016)*