MAITLAND

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TIMOTHY DUTTON KC

CALL: 1985 **KC:** 2013
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OVERVIEW

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-curser 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).

EXPERTISE

REAL ESTATE

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).

DIRECTORY QUOTES

"Timothy is a very convincing advocate. He has a laidback style which makes everyone including the judge feel comfortable."

CHAMBERS UK BAR REAL ESTATE LITIGATION (2026)

"He is a very clever man who seems to be appearing in lots of knotty cases."

CHAMBERS UK BAR REAL ESTATE LITIGATION (2026)

"An excellent property barrister who is sharp and very good to work with."

Chambers UK Real Estate Litigation (2024)

"Tim is an excellent all-rounder. He has a particularly strong affinity with the clients."

Chambers UK Real Estate Litigation (2023)

"He's an impressive tactician and he can tailor his excellent drafting skills to suit whatever the purpose is. He has an excellent style of advocacy and can convey complex issues succinctly and clearly." "He combines analytical insight with practical solutions."

Chambers UK Real Estate Litigation (2022)

"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."

Chambers UK Real Estate Litigation (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."

Chambers UK Real Estate Litigation (2020)

MEMBERSHIPS

- Chancery Bar Association
- Property Bar Association

QUALIFICATIONS

- BA (Dunelm)

NOTABLE CASES

- *Malik v Malik : South Lodge Flats Ltd v Malik (2019)*
- *Persimmon Homes Ltd v (1) Anthony John Hillier (2) Colin Michael Creed (2019)*
- *Trillium (Prime) Property GP Ltd v Elmfield Road Ltd (2018)*
- *Elmfield Road Ltd v Trillium Property GP Ltd (2016)*
- *Dooba Developments Limited v McLagan Investments Ltd (2016)*
- *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)*
- *Daniel Pittack v Muhammad Maximilian Naviede (2010)*
- *Linpac Mouldings Ltd v Aviva Life & Pensions UK Ltd (Formerly Norwich Union Life & Pensions) (2010)*
- *Heronslea (Mill Hill) Ltd v Kwik-Fit Properties Ltd (2009)*
- *Michael Housden & Anor v Conservators of Wimbledon & Putney Commons (2008)*
- *Meretz Investments NV & Anor v ACP Ltd & ORS (2007)*
- *Meretz Investments NV & Anor v ACP Ltd & ORS (2007)*
- *Housden v Conservators of Wimbledon and Putney Commons (2007)*
- *KPMG v Network Rail Infrastructure Ltd (2007)*
- *Philip Donnelly v Weybridge Construction Ltd (2006)*
- *Meretz Investments NV & Ors v ACP Limited and Ors (2006)*
- *Gilje v Charlegrove Securities Ltd (2003)*
- *Konstantinidis v Townsend*
- *Go West v Spigarolo*
- *Clinton Cards (Essex) Ltd v Sun Alliance & London Assurance Co Ltd (2002)*
- *Fordgate Wandsworth v Bernard Neville & Co and Teacher Stern Selby (1999)*
- *Forrester v UYCF (2000)*
- *Hallisey v Petmoor Developments Ltd (2000)*
- *Peter Pexton v Wellcome Trust (2000)*
- *West Sussex Properties v Chichester District Council (2000)*

- *Re: Blenheim Leisure (Restaurants) Limited (No.2) (1999)*
- *Parc Battersea v Hutchinson*
- *Clarence Cafe (in administration) v Comchester Finance (1998)*
- *Barclays Bank PLC v Prudential Assurance Co Ltd (1997)*
- *Wellcome Trust Ltd v Hammad (1997)*