



## TIMOTHY DUTTON KC



CALL: 1985 KC: 2013

### 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-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).

### 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

*"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**

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- Chancery Bar Association
- Property Bar Association

## **QUALIFICATIONS**

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- BA (Dunelm)