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Year of Call: 2003

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Clerk: Justin Emmett

Clerk: Kenya Mendoza

PRACTICE AREAS

Property

Wills, Trusts and Probate

Commercial

Professional Negligence and Disciplinary

PROFILE

Sally has expertise across all areas of real property and residential and commercial landlord and tenant. She also advises and represents clients on wills and trusts focused property-related matters, as well as dealing with professional negligence litigation arising out of property transactions.

She is confident and assured in court and on paper and is noted for her thoroughness, and her down-to-earth approach as well as her knowledge of the law and ability in court. She believes that little produces better results for a client than a rigorous and detailed analysis of the issues at an early stage. Her work

is typically litigation-focused, but also encompasses advice in respect of transactional matters.

A strong believer in access to justice for all, she is a long-standing member of the Islington Legal Advice Centre and continues to provide advice and assistance to law centre attendees. She is also a volunteer for the Chancery Bar Association's CLIPS scheme.

PRACTICE AREAS

Property

Sally appears in courts and tribunals on the whole range of real property and landlord and tenant matters. She has advised and represented commercial and/or residential clients on – amongst other things – dilapidations, service charges, enfranchisement and right to manage issues, ground rent matters, easements and covenants, notices and restrictions, stamp duty, boundary disputes, forfeiture and adverse possession claims.

In addition to the above Sally has a keen interest in the construction of leases and licences along with matters involving proprietary estoppel.

Recent instructions include:

- *Minister v Hathaway & Hathaway* [2021] EWCA Civ 936: represented the successful landlords at the tenant's appeal against a decision that landlords of tenants whose tenancies began before 1 October 2015 did not have to serve an EPC or comply with certain gas safety regulations in order to be able to rely upon s.21, Housing Act 1988.
- Advising a registered proprietor of a high-value commercial property in respect of alterations carried out on the roof of a commercial property without consent;
- Advising as to the effect of a boundary agreement reached with a neighbour's successor-in-title;
- *Hathaway & Hathaway v Minister* (County Court, Brighton, 2020): successful appeal against a decision by a district judge that prescribed requirements in respect of s.21, Housing Act 1988 applied to tenancies granted before 1 October 2015.
- *Morton v Garrett* (County Court, Worthing, 2019): advised and represented the Defendants in respect of a claim for damages and an injunction for breach of an alleged easement and trespass involving parcels of registered and unregistered land;
- *L v P Ltd* (2019): represented the Claimant at an on-site mediation in an acrimonious dispute regarding a hedge on a boundary;
- Boundary dispute right of way easement of necessity: represented the claimant at a mediation in respect of a disputed easement of access;
- *C v W* (FTT, 2019): represented the defendant landlord at a mediation;
- *London Borough of Islington v Adamson* (County Court at Clerkenwell & Shoreditch) (commenced 2019, ongoing): represented the Defendant to a possession claim by a local authority against the partner of a deceased secure tenant with no right to succeed; matter raises public law and Equality Act issues as well as being initially dominated by points of procedure;
- *L v W* (2018): represented the Claimant in this dispute regarding the position of a boundary and interference with a right of way;
- *J v D* (2018): settled particulars of claim in a nuisance claim regarding horses and a fly infestation;
- *Peabody Trust v Islam* (2018): settled a defence to a claim for possession founded on public law grounds which required a detailed analysis of the actions taken by the landlord in seeking to evict the defendant, who was disabled for the purposes of the Equality Act 2010 and had been granted a 'starter tenancy';

- *Owolabi v Szendi* (2018): successfully argued for summary judgment when – following a Part 18 request – it became apparent that the Claimant's arguments in respect of service of prescribed information for the purposes of the deposit provisions under the Housing Act 2004 had not been complied with; the Claimant discontinued his appeal on the day of the hearing;
- *Turton v Elagib* (2018): dispute regarding whether a deposit on an assured shorthold tenancy paid by cash had been returned if paid by the landlord by way of a cheque which the tenant did not receive;
- *Habinteg v Daby* (2017): defence raising procedural issues and counterclaim for breach of the landlord's repairing obligations;
- *Bibi v Bibi & Begum* (County Court at Clerkenwell & Shoreditch, 2015 -2017): represented the Defendants in this claim for possession between family members raising issues of proprietary estoppel in the context of an assured tenancy;
- *K & Ors v G & P*: settled particulars of claim for Claimants wishing to enfranchise pursuant to the Leasehold Reform Act 1967;
- *H v M and E*: settled particulars of claim in a nuisance claim regarding water;
- *Home Group Ltd v Matrejek* [2015] EWHC 441 (QB): an appeal against an interim order concerning the application of *Denton v TH White*;
- *Optima Community Association v Ker* [2013] EWCA Civ 579 (led by Natalie Lieven QC)
- *Leicester City Council v Shearer* [2013] EWCA Civ 1467 (led by David Carter)

Wills, Trusts and Probate

Sally regularly advises and represents clients in matters concerning express and implied trusts, undue influence and other matters engaging the court's equitable jurisdiction.

Recent instructions include:

- Representing claimants and defendants in claims pursuant to the Inheritance (Provision for Family and Dependents) Act 1975;
- Advising and representing defendants in a high value matter in which the claimant asserts – amongst other things – that, in the event that a deed of gift dating from the 1980s was not completed, the donors held the land which was the subject of the gift on trust for him; proceedings have been issued in the High Court;
- Defending a charity in a claim by two members for a beneficial interest in a building wholly owned by the charity on the basis of a constructive or resulting trust. Sally was instructed at short notice. The judge found for the Defendants on two of the four issues. An appeal is currently pending;
- Advising personal representatives, as to the effect of a deed of gift in respect of land, and the subsequent disposal of that land, the donee's prospects of success on an application for rectification, were it to arise, and the implications for the estate;
- *S v S and S* (High Court, 2020) advising and representing an intervenor in a long-running, acrimonious family dispute
- Advising as to whether a codicil to a will was effective to revoke a bequest under that will;
- Advising as to whether a mother could claim a beneficial interest in a property registered in her son's name;
- Advising a father, who co-owned property with his daughter, as to his position in the face of a potential claim for possession and sale by his daughter's trustees in bankruptcy bearing in mind the provisions of s.335A of the Insolvency Act 1986.

Commercial

Sally accepts instructions in respect of commercial contracts, tenancies and licences.

Recent instructions include:

- Pretoria Energy Co (Chittering) Ltd v Blankney Estates Ltd [2023] EWCA Civ 482 (led by James Pickering KC)
- Pretoria Energy Co (Chittering) Ltd v Blankney Estates Ltd [2022] EWHC 1467 (Ch)
- MWB Exchange Business Centres Ltd v Rock Advertising Ltd [2018] UKSC 24 (led by Clifford Darton): Sally appeared for the successful Appellant (MWB) in this landmark Supreme Court contract case;
- MP Ltd v I-S (2018): Sally represented the Claimant in this dispute in respect of franchise fees which included issues of contractual construction, penalty clauses, and repudiation;
- H v P W Ltd: a dispute regarding the standards of construction and service involving contractual obligations and consumer rights;
- IS v LMC (2018): Sally represented the Claimant in this matter in respect of respect of unpaid invoices, alleged breach of contract and negligence;

Professional Negligence and Disciplinary

Sally accepts instructions in respect of professional negligence matters arising out of property transactions and litigation.

Recent instructions:

- Advising long-leaseholders as to whether their solicitors had negligently caused or failed to prevent a transfer of funds to an imposter;
- Advising long-leaseholders as to whether their solicitors had been negligent in not advising them as to the implications of a ground rent increase clause;
- Advice to a solicitor as to alleged professional negligence in respect of his work to convey property under a sale and leaseback arrangement.

SIGNIFICANT CASES

Pretoria Energy Co (Chittering) Ltd v Blankney Estates Ltd [2023]
EWCA Civ 482

Pretoria Energy Co (Chittering) Ltd v Blankney Estates Ltd [2022]

EWHC 1467 (Ch)

Minister v Hathaway & Hathaway [2021]

EWCA CIV 936

Represented the successful landlords at the tenant's appeal against a decision that landlords of tenants whose tenancies began before 1 October 2015 did not have to serve an EPC or comply with certain gas safety regulations in order to be able to rely upon s.21, Housing Act 1988. To view the Judgment click [here](#).

Hathaway v Minister (County Court, Brighton, 2020)

Successful appeal against a decision by a district judge that prescribed requirements in respect of s.21, Housing Act 1988 applied to tenancies granted before 1 October 2015 (the Respondent has sought permission to appeal to the Court of Appeal)

A v A and S (High Court, 2020)

Advising and representing a claimant in an acrimonious family dispute

Morton v Garrett (County Court, Worthing, 2019)

Advised and represented the Defendants in respect of a claim for damages and an injunction for breach of an alleged easement and trespass involving parcels of registered and unregistered land

L v P Ltd (2019)

Represented the Claimant at an on-site mediation in an acrimonious dispute regarding a hedge on a boundary

C v W (FTT, 2019)

Represented the defendant landlord at a mediation

London Borough of Islington v Adamson (County Court at Clerkenwell & Shoreditch) (commenced 2019, ongoing)

Represented the Defendant to a possession claim by a local authority against the partner of a deceased secure tenant with no right to succeed; matter raises public law and Equality Act issues as well as being initially dominated by points of procedure

MWB Exchange Business Centres Ltd v Rock Advertising Ltd [2018] UKSC 24

Sally appeared for the successful Appellant (MWB) in this landmark Supreme Court contract case

L v W (2018)

Represented the Claimant in this dispute regarding the position of a boundary and interference with a right of way

J v D (2018)

Settled particulars of claim in a nuisance claim regarding horses and a fly infestation

Peabody Trust v Islam (2018)

Settled a defence to a claim for possession founded on public law grounds which required a detailed analysis of the actions taken by the landlord in seeking to evict the defendant, who was disabled for the purposes of the Equality Act 2010 and had been granted a 'starter tenancy

Owolabi v Szendi (2018)

Successfully argued for summary judgment when – following a Part 18 request – it became apparent that the Claimant's arguments in respect of service of prescribed information for the purposes of the deposit provisions under the Housing Act 2004 had not been complied with; the Claimant discontinued his appeal on the day of the hearing;

Turton v Elagib (2018)

Dispute regarding whether a deposit on an assured shorthold tenancy paid by cash had been returned if paid by the landlord by way of a cheque which the tenant did not receive

Zidi v Bayley (2018)

Represented the Claimant in his claim for a beneficial interest under a constructive trust in property that had previously been owned in joint names.

Bassam v Maiden (2018)

Representing the Defendant opposing a claim for a beneficial interest under a constructive trust.

APAL v W (FTT, 2018)

Represented the Claimant in respect of alleged entitlement to an interest under a constructive trust

MP Ltd v I-S (2018)

Sally represented the Claimant in this dispute in respect of franchise fees which included issues of contractual construction, penalty clauses, and repudiation

IS v LMC (2018)

Sally represented the Claimant in this matter in respect of respect of unpaid invoices, alleged breach of contract and negligence

Habinteg v Daby (2017)

Defence raising procedural issues and counterclaim for breach of the landlord's repairing obligations

Y v B (FTT, 2017)

Represented the Defendant in this claim for a beneficial interest under a constructive trust raising issues concerning registration (unilateral notices), equitable lien, non est factum, misrepresentation and mistake

Bibi v Bibi & Begum (County Court at Clerkenwell & Shoreditch, 2015 -2017)

Represented the Defendants in this claim for possession between family members raising issues of proprietary estoppel in the context of an assured tenancy

Home Group Ltd v Matrejek [2015] EWHC 441 (QB)

An appeal against an interim order concerning the application of Denton v TH White

Optima Community Association v Ker [2013] EWCA Civ 579

Leicester City Council v Shearer [2013] EWCA Civ 1467

K & Ors v G & P

Settled particulars of claim for Claimants wishing to enfranchise pursuant to the Leasehold Reform Act 1967

H v P W Ltd

A dispute regarding the standards of construction and service involving contractual obligations and consumer rights



Member of the Chancery Bar Association

Member of the Property Bar Association

Member of the Agricultural Law Association

Member of the Commercial Bar Association

Islington Legal Advice Centre

BA - University of London, 1992 (English Literature)

MA - University of Bristol, 1993 (Medieval Studies)

Before training for the Bar, Sally was an English Language Teacher working in Greece, Estonia and Cameroon as well as the UK

PUBLICATIONS

2019: New Law Journal – A consideration of Canary Wharf v the EMA

2018: New Law Journal – MWB Business Exchange Centres Ltd v Rock Advertising Ltd: an exceptional appeal; a purist's outcome

2015: Solicitors' Journal – Implying terms into contract: the effect of Marks and Spencer plc v BNP Paribas



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