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## Shaiba Ilyas

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**Year of Call:** 1998

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**Clerk:** Michael Ireland

### PRACTICE AREAS

Property

Commercial

Banking and Finance

Partnership and LLP

Professional Negligence and Disciplinary

### PROFILE

Shaiba has been in practice at Enterprise Chambers since 1999. His practice has a particular emphasis on property litigation and associated professional negligence, though he also practices in the areas listed above. He has a particular interest in the law of restitution, having undertaken a Masters in this developing area of law.

## Property

All aspects of property litigation, including all aspects of landlord and tenant (both commercial and residential), dilapidations, business lease renewals and leasehold enfranchisement. Specific performance, restrictive covenants and more general real estate disputes including boundary disputes, right of way disputes and beneficial owner disputes.

### Recent cases include:

- acted for a claimant in relation to a disputed beneficial ownership dispute between family members over certain residential properties that were purchased by a family with differing financial contributions and various representations made over the course of a decade as to beneficial ownership
- advised and acted for a leading pharmaceutical company in relation to a disputed terminal dilapidations claim
- acted for a property developer obtaining orders for specific performance requiring purchasers to complete their purchases
- represented a claimant seeking declaratory relief to ensure that overage was payable by a property developer who had simply let the final property on a short term tenancy in circumstances where the overage was only payable on the sale of that final property
- obtained declaratory and injunctive relief in relation to disputed boundary between residential properties in circumstances where the adjoining landowner was in the course of constructing an outhouse whose foundations straddled the disputed boundary
- successfully obtained declaratory relief that a landlord had unreasonably withheld consent to assign a lease of commercial premises in a well-known shopping centre
- advised on the nature and effect of various restrictive covenants and rights of way and how they may impact on the development of land
- obtained urgent interim injunctive relief to prevent ongoing works where no party wall act notice had been served

## Commercial

All aspects of commercial and contractual disputes

### Recent cases include:

- successfully representing a company who claimed to be entitled to a commission on the basis that they were an effective cause of a transaction
- advising and acting a global delivery company in a dispute as to whether certain terms were penalty clauses and/or unfair terms
- dealing with a dispute as to the quality of various SIM cards that were produced by a large Chinese manufacturer

## Banking and Finance

Have acted both for and against banks in mortgage and other security claims. Often act for receivers who had been appointed by lenders as to various issues arising from their appointment. Also have considerable experience of issues arising in relation to guarantees (and have either sought to enforce or to set aside in various contexts).

### Recent cases include:

- advised and acted for receivers seeking to recover monies due under various agreements and in relation to whether the receivers had been properly appointed.
- acted for a claimant seeking to recover monies paid under a mistake of fact asserting a proprietary claim to monies held in a company's bank account (in circumstances where the company was insolvent).
- successfully set aside a guarantee and associated security on the basis of misrepresentations made.
- obtained possession orders for a mortgagee against a borrower's partner who was alleging a beneficial interest (which was successfully resisted).

## Partnership and LLP

All aspects of partnership disputes, typically involving misappropriation of partnership assets and/or disputes as to the terms of the partnership or indeed whether a partnership ever existed and also partnership dissolution accounts.

### Recent cases include:

- acted for a claimant in a contested partnership dispute related to ownership of properties, culminating in a partnership dissolution account being taken.
- acted for a solicitor in a partnership dispute where it was alleged that partnership assets had been wrongly diverted (and successfully obtained urgent interim injunctive relief pending the substantive hearing).
- acted for a defendant in a partnership dispute which held various properties involving issues as the terms of that partnership, culminating in a partnership dissolution account being taken.

## Professional Negligence and Disciplinary

Deals with all aspects of property-related professional negligence.

### Recent cases include:

- advising and subsequently acting for a successful claimant who had purchased a property in reliance on advice from solicitors in respect of a right of way.
- representing a firm who had purchased a commercial property development who were in litigation with its environmental expert who had provided what was alleged to be a negligent report as to the condition of the land and what steps were required to remedy the same.

## CAREER AND ASSOCIATIONS

Member of the Chancery Bar Association

Member of the Property Bar Association

## PUBLICATIONS

Satisfying requirements of ground (f)

Contributor to The Landlord and Tenant Factbook

Contributor to The Rural Law Notebook

Enterprise Chambers' Annotated Guide to Insolvency Legislation (Sweet & Maxwell)



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