



## Ian Foster

E-Mail [foster@exchangechambers.co.uk](mailto:foster@exchangechambers.co.uk)  
Call 1988

### Practice

Litigation biased and covering all matters relating to and arising out of all forms of property ownership and its associated rights and obligations.

Ian has appeared in all levels of tribunal from the county court and Land Registry adjudications through to the House of Lords.

Described in Legal 500 as "superb at reducing masses of paper to the real core".

**REAL PROPERTY:** The following matters are dealt with regularly:

- Construction of conveyancing documentation
- The scope and enforcement of restrictive covenants
- The creation and enforcement of easements
- Estoppels
- Resulting and constructive trusts
- Adverse possession
- Mortgages
- Highways

**LANDLORD AND TENANT:** Encompassing all aspects of the general law of landlord and tenant and specific areas such as:

- Dilapidations
- Business tenancies
- Private sector residential tenancies
- Public sector residential tenancies
- Long leases
- Agricultural tenancies
- Caravan sites and mobile homes

**TRUSTS, SETTLEMENTS, WILLS AND PROBATE**

**PARTNERSHIPS**

**PROFESSIONAL NEGLIGENCE:** Principally against solicitors and surveyors and arising out of the areas of practice mentioned above.

## Cases

Jervis v. Harris [1996] Ch. 195 (CA) - landlord and tenant - repairing obligations – penalties – scope of Landlord and Tenant Act 1927, s. 18 (1) - case gave the name to "Jervis v. Harris Clauses" found in many leases.

Manchester City Council v. Lawler (1999) 31 HLR 119 (CA) – landlord and tenant - anti-social behaviour – injunctions – whether the phrase "in the locality" sufficiently certain to justify committal.

Wibberley v. Insley [1999] 1 WLR 894 (HL) - boundaries – hedge and ditch presumption - a touchstone case on the construction of parcels clauses in conveyances.

Fennon v. Anthony Hodari & Co. (a firm) [2001] Lloyd's Rep PN 183 (CA) – latent damage – Limitation Act 1980, s. 14A – no requirement for claimant to know that the omission complained of amounted to a breach of legal duty for the claimant to have actual knowledge.

Stockport MBC v. British Gas PLC & Reddish Vale Golf Club [2001] EWCA Civ. 212 – nuisance – negligence – Rylands v. Fletcher – water supply to tower block leaking and causing collapse of disused railway embankment.

Lloyd v. Dugdale [2001] EWCA Civ. 175; (2001) 48 EG 129 – Land Registration Act 1925, s. 70 (1) (g) – overriding interests – actual occupation – corporate personality – proprietary estoppel – constructive trusts.

Close Asset Finance Ltd. v. Taylor [2006] EWCA Civ. 788 – charging order – mortgagee of beneficial interest entitled to seek an inquiry into money loaned and secured by way of legal charge over property.

Wall v. Collins [2007] EWCA Civ. 444; [2007] Ch. 390 – merger of leasehold with freehold did not have effect of extinguishing easements or covenants attached to the leasehold.

Inclusive Technology Ltd. v. Williamson [2009] EWCA Civ. 718 – business tenancies – Landlord and Tenant Act 1954, s. 37A – landlord's liability for damages for misrepresentation or concealment.

Hooper v. Oates [2010] EWCA Civ. 1346; (2010) 48 EG 85 (CS) - seller of land giving premature notice of rescission under Standard Conditions of Sale not in repudiatory breach of contract.

## **Professional Associations**

Chancery Bar Association; Northern Chancery Bar Association; Northern Circuit Commercial Bar Association.

## **Personal**

### **Education**

University of Newcastle upon Tyne, LLB (Hons)