









John Waiting

Call 2010



Clerks' Details

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-  Chris Brown
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Memberships

- Chancery Bar Association
- Property Bar Association
- Northern Business and Property Bar Association
- Northern Circuit

Education

- St Olave's Grammar School, Orpington, 1997-2004
- MA (Cantab), Law with Management Studies, Girton College, Cambridge (II.i, 2004-2008)
- BVC, Manchester Metropolitan University (Very Competent, 2009-2010)
- Pupillage at Exchange Chambers

Property & Planning CV

Overview

John is an experienced commercial barrister, his practice covering all aspects of commercial, property and insolvency matters.

He has an extensive property practice, including:

- Land Registration
- Trusts of Land and Appointment of Trustees Act 1996 claims
- Claims in relation to Adverse Possession
- Easement disputes
- Possession Actions by Mortgagees, LPA Receivers and Landlords
- Leasehold Disrepair and Dilapidations
- Leasehold Enfranchisement
- Actions for Service Charges and Administration Charges
- Actions for unlawful eviction
- Liability Orders for Business Rates and Council Tax
- Boundary and Neighbour Disputes
- Business Tenancy Disputes
- Disclaimed Property and Bona Vacantia
- Property matters where there is an insolvency element.
- Property matters where a party has died.

Cases

Succeeded after a four-day trial in a claim for an injunction to remove a fence obstructing a right of way, and defended a counterclaim for an injunction under the Protection from Harassment Act 1997. Appeared on the application for permission to appeal which was dismissed.

Succeeded in forfeiture proceedings of commercial property for breach of the repairing covenants.

Obtained possession of a property held under a shared-ownership lease for failure to pay the rent.

Defended a claim at trial for an injunction and damages to repair a roof in relation to a property split into flying freeholds.

Regularly acts for both Landlords and Tenants in claims under the Landlord and Tenant Act 1954.

Instructed in the Property Chamber Land Registration Division First Tier Tribunal on a multi-party dispute regarding first registration and adverse possession.

Appeared on an application for a Vesting Order of property which was bona vacantia.

Acted for a tenants and management companies in the First Tier Tribunal (Property Chamber) in disputes over service charges and administration charges.

Experienced in advising upon disputes regarding easements. Represented the successful party in a trial regarding the easements of drainage into a septic tank system.

Represented LPA receivers in a complex possession matter concerning a mixed-use property and tenants with various different potential defences to the proceedings, providing advice, pleading of proceedings and advocacy in a claim which succeeded in obtaining vacant possession of the property.

Advised upon, drafted and successfully appeared in Part 8 Proceedings for an Order under the Trusts of Land and Appointment of Trustees Act 1996.

Obtained Summary Judgment for a landlord for unpaid rent, where the defence raised by the tenant was that a break clause had been exercised.

Obtained a Possession Order against trespassers at the first hearing where the trespassers raised a Human Rights defence.

Advised a client who successfully challenged a Noise Abatement Notice.

Represented a chargeholder and successfully defeated the defence of a third party who stated that the transfer of the property to the borrower was obtained by fraud.

Regularly acts for Local Authorities in relation to Applications in relation to Liability Orders for non-payment of Council Tax and Non-Domestic Rates.

Recommendations

‘John is supportive, responsive and has an in-depth legal knowledge which enables him to be able to assist on all matters. He will not give up even if it is an uphill struggle. He always ensures that he gives 110% and really puts himself out to ensure that he meets the client service and is very user friendly.’

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“John gives well-considered, thorough advice and considers strategic issues when advising. He is a measured and confident advocate.”

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