+44 (0)20 7815 3200
fivepaper.com
5 Paper Buildings, Temple, London, EC4Y 7HB

Ben Maltz



Joint Property Division Leader
Called: 1998
benmaltz@fivepaper.com

His strengths are his advocacy skills, through clear thought and explanation, and forceful cross-examination and argument. His advice and paperwork are always spot on. Ben is able to grapple with complex legal arguments and explain them clearly. He is commercially astute. Ben has a tremendous way with clients; they really understand and believe in his approach and solutions.
The Legal 500 UK 2027

PROFILE

Ben is an experienced property law specialist who has been ranked for many years as a leading individual in The Legal 500 for both Property Litigation and Social Housing.

Ben heads up the Landlord and Tenant practice group within Chambers' Property Division and undertakes work in all areas of property litigation with a particular interest in residential leasehold matters concerning service charges and leasehold enfranchisement, and real property disputes involving boundaries, adverse possession, restrictive covenants and easements.

Ben deals calmly and effectively with technical and complex cases. He has long-standing professional relationships with many clients and always strives to approach cases with equal amounts of pragmatism and good commercial sense.

Ben also holds the position of Chambers' Pupillage Co-ordinator and accepts direct access instructions in appropriate cases.

EXPERTISE

Landlord & Tenant

Acting for landlords and tenants of commercial and residential property both in the private and public sectors. Contested possession claims, forfeiture, business tenancy renewals, enfranchisement, service charges, right to manage, disrepair and dilapidations, unlawful subletting, unauthorised alterations and tenancy fraud. Recent work:

- Acting for private landlords of detached house in West London in claim against their letting agent, following significant damage caused by fraudster tenant who had converted the property into a cannabis factory.
- Advising local authority landlord on proposal to retrofit sprinkler systems in high rise residential blocks; concerning right under leases to carry out works and to recharge relevant costs as service charges.
- Representing private landlord in possession proceedings against Rent Act statutory tenant of dilapidated and hoarded flat in large period property in West London.
- Acting for head lessee facing freeholders' forfeiture claim based on damage and anti-social behaviour perpetrated by council's sub-tenant. Successfully negotiated settlement.
- Representing landlord of commercial premises in contested lease renewal proceedings opposed under ground (a) in s.30(1) of the Landlord and Tenant Act 1954.

Reported cases:

- ***Forward v Aldwyck Housing Group Ltd [2019] EWHC 24 QB***
  Successfully resisted tenant's appeal against a possession order. At trial the tenant had unsuccessfully argued that, because of his disability, he was the victim of a "cuckooing" operation perpetrated by drug dealers at the property. Although the judge had erred in the way she had dealt with the defence based on breach of the Public Sector Equality Duty under s.149, Equality Act 2010, the breach of PSED was immaterial and the judge would have come to the same answer.
- ***Partridge v Gupta [2017] EWHC 1110 (QB)***
  Successfully represented private landlord client in resisting appeal by the former tenant, who sought to set aside a writ of possession post-execution. The appeal focused on the correct interpretation of CPR 83.13(8) and considered what constitutes sufficient "notice of the proceedings" within the meaning of this rule.
- ***Southern Land Securities Ltd v Poole [2017] UKUT 302 (LC)***
  Represented landlord on appeal against decision of FTT restricting recovery of major works service charges to £250. Successfully argued that FTT had breached natural justice by taking point concerning section 20 compliance and then refusing the landlord permission to adduce documentary evidence addressing the Tribunal's criticism.
- ***Brown & Reid v London and Quadrant Housing Trust [2017] LON/00AZ/OCE/2016/0330***
  Application under LRHUDA 1993 for determination of terms of acquisition on a claim for collection enfranchisement where the parties had agreed a reduced premium in return for the inclusion of an overage clause.
- ***Christopher Moran Holdings Ltd v Laura Carrara-Cagni [2016] UKUT 0152 (LC)***
  Represented residents' association of an apartment block on Kings Road, Chelsea, in appeal to Upper Tribunal in connection with determination of major works service charge liability.
- ***Red Kite Community Housing Ltd v Robertson [2014] UKUT 0134 (LC)***
  Successfully appealed against the LVT's decision that social landlord's estate management charges were unreasonably high
- ***Southern Land Securities Ltd v Hodge & Another [2013] UKUT 0480 (LC)***
  Represented landlord on appeal from LVT's determination as to reasonableness of service charges incurred in relation to major works.
- ***Catalyst Community Housing Ltd v Katana [2010] E.G.L.R. 21 (CA)***
  Successfully resisted appeal by unlawful sub-tenants of development land who claimed to be protected business tenants under Landlord & Tenant Act 1954 rather than mere tenants at will, and also issues as to service of notices and alleged proprietary estoppel.

Property litigation

Acting for developers, corporate and individual owners of commercial and residential property in a wide range

of real estate litigation. Cases regularly include boundary disputes, party walls, adverse possession, restrictive covenants, rights of way and parking rights.

Recent work:

- ***Clarion Housing Association v Chitty & Others [2024] UKUT 187 (LC)***
  Successfully obtained order from Upper Tribunal modifying a restrictive covenant impeding proposed redevelopment of a site at Wrotham in Kent, pursuant to section 84(1) of Law of Property Act 1925. Martin Rodger KC, Deputy Chamber President, agreed that the covenant not to use the subject land for any purpose other than as an “old persons’ warden scheme” ought to be modified as the covenant was preventing a reasonable use of the land and did not secure any practical benefit of substantial value or advantage to the adjoining land owners with the benefit of the covenant, under ground (aa). Clarion’s further request for discharge of a separate covenant requiring written consent from the original vendors under the 1974 Conveyance, in respect of any alterations or additions, was granted under ground (a), the vendors having long since died and the covenant therefore being obsolete.
- ***Doyle v Wajda (2020) Central London CC, HHJ Parfitt***
  Represented successful developer client in a boundary dispute concerning the construction of a new garage at the edge of the development land. The case attracted national press attention and was reported in the Telegraph and Evening Standard.
- ***Suleyman v Siabi [2019] EWHC 397 (Ch)***
  Successfully resisted an appeal by neighbouring landowner against determination of boundary made by trial judge. Appeal involved issues concerning the weight given to report of single joint expert land surveyor and allegations of intentional non-disclosure of relevant documents.
- Represented local authority at a mediation of an adverse possession dispute referred to the FTT by HMLR. Case concerned a large and very valuable garage located on a prestigious mews in central London, which had been occupied by an associate of the former licensee since the mid-1990s. Negotiated settlement which retained local authority’s freehold ownership in return for the grant of a 25 year lease to the occupier.
- Advising a Housing Trust client in connection with a threatened claim by neighbouring property developer regarding structurally defective retaining boundary wall.
- Advising freeholder of residential development concerning its right to implement a parking management scheme where easements to park already expressly granted.
- Advising private land owner in connection with proposed development of neighbouring land; issues as to enforceability of restrictive covenant affecting development land and excessive user of right of way.
- Acting for leasehold owners of a flat in a building converted from previous commercial use, whose downstairs neighbour had brought a claim alleging negligence and nuisance associated with noise and leaks emanating from their remodeled bathroom. Negotiated settlement on first day of 5 day trial.

FURTHER INFO

Directories Quotes

Legal500
LEADING JUNIOR
UNITED KINGDOM
2027

Ben is recommended as a leading junior in both the Social Housing and Property Litigation sections.

'His strengths are his advocacy skills, through clear thought and explanation, and forceful cross-examination and argument. His advice and paperwork are always spot on. Ben is able to grapple with complex legal arguments and explain them clearly. He is commercially astute. Ben has a tremendous way with clients; they really understand and believe in his approach and solutions.'
The Legal 500 UK 2027

'Ben is always very well-prepared, knows the law and court procedure and is able to argue points well on his feet and under pressure.'
'decisive advocate.'
The Legal 500 UK 2026

'Ben has an eye for detail and an easy and friendly manner in his dealings with clients.'
The Legal 500 UK 2025

Ben provides sound advice, coupled with practical solutions, which support commercial aims. Ben inspires confidence in clients and is an impressive advocate.
The Legal 500 UK 2024

"Ben is extremely thorough in his case preparation with excellent attention to detail. He is measured, confident and calm on his feet and makes complex issues and facts simple to understand."
The Legal 500 UK 2023

"Ben is very measured and confident in his advocacy and with clients. He is extremely knowledgeable and thorough."
"He has a thorough understanding of the social housing sector and is well-regarded for the manner in which he handles clients and witnesses at court."
The Legal 500 UK 2021

"Provides a conscientious, accessible approach, with admirable advocacy skills." "He assists local authorities and registered providers with a wide range of housing matters. Tenancy fraud cases are a notable area of specialism."
The Legal 500 UK 2020

"Pragmatic and highly skilled; a great barrister to have on your side."
The Legal 500 UK 2019

"*Recommended for service charge disputes*."
The Legal 500 UK 2017

"He is an incredibly safe pair of hands and provides clear and fast advice"
The Legal 500 UK 2016

"His cross-examination is quietly effective."
The Legal 500 UK 2015

Education/Qualifications

- LLB (2:1) London Guildhall 1996
- BVC (Very Competent) : Inns of Court School of Law 1998

Publications

- Liability of the Negligent Surveyor, Estates Gazette

Professional Memberships

- Property Bar Association

Privacy Notice

Click here for Ben’s Privacy Notice