

## Ben Leb

Called: 2015  
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### PROFILE

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Ben is a specialist real property and chancery barrister with significant experience in private client and commercial dispute resolution.

Ben acts in the full spectrum of property matters, from residential and commercial property leasehold disputes to esoteric and legally complex cases where multiple other areas of law intersect with real property work.

Ben also has an eventful commercial practice where he often acts in commercial disputes concerning considerable factual or legal complexity. This includes disputes where there are significant considerations of statutory regulation.

Ben's practice has recently pivoted towards cases involving civil fraud and he is instructed in a number of significant alleged frauds currently. This is due to the trust that instructing solicitors place in Ben's eye for forensic detail and his ability to absorb large amounts of information quickly.

### EXPERTISE

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#### Real Property

Ben is a prolific property practitioner who enjoys a varied and eventful property practice.

Ben deals with real property disputes including those concerning mortgage possession proceedings, boundary issues, adverse possession, restrictive covenants, public and private rights of way, easements, riparian rights and drainage rights.

Ben is known for his quick and efficient advice, his commercial acumen and his good understanding of

technical matters pertaining to land. He has extensive experience in procedural applications and costs, which he is known to use to great tactical effect.

Ben also advises in non-contentious matters including the structuring of leases and other forms of estates in larger developments.

Recent Work includes:

Instructed to advise, draft pleadings and to attend in mortgage possession proceedings initiated by receivers appointed under a mortgage. Ben's client is challenging the validity of the appointment of the receivers on the basis of an improper exercise of the lender's contractual discretion.

Instructed to advise and draft pleadings in a complex five-party commercial TLATA proceedings, which includes allegations of dishonesty, fraud and claims for various equitable relief including declarations for constructive and resulting trusts and accounts.

Instructed to advise, draft pleadings and to appear as sole counsel claim for prescriptive easement over a public highway against a local authority for a landowner whose land would otherwise be landlocked.

Instructed to advise and draft pleadings for the applicant in a boundary dispute and claim for adverse possession in a prominent area of West-London concerning a substantial residential property. Ben is likely going to be trial counsel in this case.

Instructed to advise, draft pleadings and to appear as sole counsel for the defendant in a claim concerning boundary issues, adverse possession, and issues touching on drainage rights and the 'hedge and ditch rule'.

Instructed to advise and to draft pleadings in a multi-faceted claim concerning agricultural and forestry land regarding the excessive use of easements to shoot on the claimant's land and various allegations for breaches of right of way and trespass.

Instructed to advise, draft pleadings and to appear as sole counsel for the claimant in a claim touching on the ownership of land near a tidal river. The case also concerned the principle of 'accretion' and various riparian rights.

Instructed to advise and to draft pleadings on easements benefitting and burdening a private road. Ben has also advised on the potential contractual and proprietary implication of the introduction of a private parking scheme for the road.

Instructed to advise, draft an appeal and to appear as sole counsel in a council tax rating appeal where the owner of a substantial rural property was deemed to have 4 rateable properties within its title instead of one. The case centred around the definition of what is 'residential property' for the purposes council tax legislation.

Instructed to advise, draft pleadings and to appear as sole counsel in a case concerning the mis-selling of a mobile home. The case also touches on the equitable doctrine of estoppel.

A part of Ben's practice also crosses over in to the field of Civil Fraud, regularly advising and attending interim applications and trials in claims involved allegations of fraud, dishonesty and/or forgery.

Ben's experience in claims involving fraud and dishonesty equipped him with the ability to interrogate complex financial information, which he regularly deploys.

Recent Work Includes:

Instructed in complex sale and rent-back fraud relating to land.

Instructed to advise in a multi-million dispute concerning a director's alleged fraudulent dealings with company property. The case also involves an unfair prejudice petition.

Instructed to advise in and to attend settlement negotiations on behalf of a potential defendant in alleged fraud involving an investment fund specialising in cryptocurrencies.

## **Landlord and Tenant**

### **Commercial Landlord and Tenant**

Ben has experience in all aspects commercial leasehold litigation including rent reviews, claims for forfeiture, service charge disputes, dilapidations and the entire spectrum of disputes under the 1954 Act.

Recent Work Includes:

Instructed to advise and negotiate on issues of right of way and various restrictive covenants burdening rural commercial property.

Instructed to advise, draft pleadings and to appear in a case concerning the landlord's failure to comply with repairing and insurance covenants in the lease over a substantial high street shop.

Instructed to advise and negotiate on behalf of a landlord in respect of alleged breaches of the covenants to repair, dilapidations and restore the property to its original state. The property comprises of substantial high street commercial premises.

Instructed to draft pleadings for relief from forfeiture concerning the landlord's re-entry following alleged non-payment of rent where the Commercial Rent (Coronavirus) Act 2022 applied.

Instructed to advise, draft pleadings and to appear as sole counsel in a substantial ongoing case for a tenant of large livery yard in Kent. The case concerns issues of breaches of covenants to insure, repair and quiet enjoyment. Trial is likely to take 8-days.

Instructed to advise on the legal nature of a historic farming and/or business tenancy. Ben also advised on the legal routes for termination of this tenancy.

### **Residential Landlord and Tenant**

Ben has experience in all aspects residential leasehold litigation including claims for forfeiture, service charge disputes, disrepair and the entire spectrum of disputes concerning assured shorthold and assured tenancies.

Recent Work Includes:

Instructed to advise and to appear as sole counsel for the tenant in a claim concerning harassment, unlawful eviction and breach of various data rights where the landlord has installed audio and video recording equipment in the property in an intrusive manner.

Instructed to advise and to appear as sole counsel for the tenant in claim concerning disrepair.

Instructed to advise in a leasehold enfranchisement claim which settled with the help of Ben's advice.

Instructed to advise an owner of a large developer in the review of a sample from hundreds of leases relating to a development. Currently instructed to advise and appear in connection with various equitable remedies relating to certain leases involved.

## **Trusts, Estates and Wills**

### **Trusts, Estates and Wills**

Ben has experience and is often instructed in a wide spectrum of inheritance and probate disputes. He is often instructed in claims under the Inheritance (Provision for Family and Dependants) Act 1975 and has experience in contentious probate proceedings.

In the past he has also advised on the interpretation of wills and on the advantageous structuring of trusts and estates.

#### Recent Work Includes:

Instructed to advise and draft pleadings in a complex five-party commercial TLATA proceedings, which includes allegations of dishonesty, fraud and claims for various equitable relief including declarations for constructive and resulting trusts and accounts.

Instructed to advise the defendant in a 1975 Act claim in an estate worth over £1.5 million.

Instructed to advise the claimant in a claim against an executor for dishonestly and/or fraudulently misappropriating funds from the estate. The claim also includes a tracing claim.

Instructed to advise, draft and attend proceedings for the removal of a recalcitrant executor.

Instructed to advise in multiple inheritance tax matters including the application of various reliefs and exemptions including the Resident Nil Rate Band.

## Commercial Law

Ben is a commercially minded barrister who acts in a diverse range of commercial disputes.

He regularly appears for companies of various sizes in contract disputes and has recently appeared in disputes where statutory regulation intersects with commercial dispute resolution.

#### Recent Matters Include:

Instructed to advise and conduct settlement negotiations on behalf of a local authority in a multi-million pound dispute concerning various service contracts for telecommunications installations and equipment within its area.

Instructed in a currently significant case within the parking industry on the recovery of private parking charges from car hire companies.

Instructed in contract dispute for a large construction company to settle pleadings and to set aside default judgment.

Instructed by a luxury designer brand to review its terms and conditions and to advise on covid-19 related issues and their impact on the contract with a particular focus on frustration.

## Company and Partnership Law

Ben often acts in company and partnership disputes including derivative claims, unfair prejudice petitions and claims between members.

His current instructions mean that he has gained experience in disputes where there are allegations of fraudulent dealings with company or partnership assets.

#### Recent Matters Include:

Instructed to advise in a multi-million partnership dispute concerning the alleged misappropriation of partnership property.

Instructed to advise, draft pleadings and to appear in a dispute concerning an account to be taken following the dissolution of a legal partnership.

## FURTHER INFO

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### Education

The University of Law: Bar Professional Training Course (2015)  
The University of Birmingham (2013): LLM in International Law  
University of East Anglia (2012): LLB in Law  
Austrian School of Budapest (2008): IB- Equivalent

### Awards

UK Environmental Law Association National Mooting Competition (2014): First Place  
University of Law Platinum Award for Excellence in Academic Achievement – 2013  
Petit Bursary for Excellence in Mooting and Academic Achievement (The University of Birmingham) – 2013  
Sir Christopher Benson Scholarship Entrance Scholarship for the BPTC (Middle Temple, Major Award) – 2012  
UEA Senior Mooting Competition (2012): First Place  
UEA Negotiation Competition (2012): First Place  
University of East Anglia Law School Award for Exceptional Achievement (UEA) – 2012  
UEA Junior Moot (2010): Third Place

### Professional Memberships

Chancery Bar Association  
Property Bar Association