

## Tristan Salter

Called: 2013  
tristansalter@fivepaper.com

"Tristan always keeps the bigger picture in mind when advising on ongoing matters. He has the ability to explain complex matters in a way that can be easily understood by clients."

"Clients like Tristan's confident relaxed manner and ability to get to the core issues."

"An excellent lawyer who is very pragmatic and gets the job done."

Chambers & Partners 2025



### PROFILE

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Tristan has a busy Commercial Chancery practice combining his knowledge of the property, trusts and insolvency sectors.

Most recently Tristan has appeared as sole counsel in the Court of Appeal, Chancery and King's Bench division, including recently 5-day High Court case in which he successfully secured finding on breach of lease in forfeiture proceedings.

As a specialist in property and insolvency law, he frequently advises on issues where these collide, recently advising of administrators on enforcement of charges in enfranchisement claims or beneficial interests in the family home in bankruptcy.

Tristan appeared as sole counsel in the Court of Appeal on issue of committal in ***Lovett v WBC [2022] EWCA Civ 1631***

### EXPERTISE

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#### Property litigation

Tristan is instructed across the range of Property issues from real property to landlord and tenant litigation. He

frequently is instructed to deal with complex issues involving leasehold matters, boundary disputes and trusts of land. Tristan is regularly instructed to appear in the County Court, First Tier Tribunal and High Court.

Recent cases include:

- Successfully represented landlord in 5 day High Court trial, securing findings of breach of Lease in forfeiture claim based on medical practitioner on Harley Street
- Successfully representing a client in relation to long running boundary dispute which included issues relating to damage caused by roots systems
- Advising on commercial dilapidations claims, including for industrial units and high street stores;
- Advising on the complex issues stemming from disclaimer of leaseholder and freehold by liquidators;
- Acting for client in challenges to Collective Enfranchisement process with complex questions over qualification, value and notice;
- Advising on the implications on the impact of Duval on a premium for consent to alterations;
- Advising a Right to Manage company in relation to on-going obligations in relation to a listed building;
- Advising on the implication of FirstPort v Settlers Court on RTMs across a London Borough;
- Successfully securing a declaration that consent to alterations has been unreasonably refused;

## Landlord & Tenant

Tristan frequently acts in the commercial and residential property landlord and tenant disputes ranging from commercial forfeiture, dilapidations, lease renewals to complex possession proceedings involving the Equality Act 2010.

Tristan has a particular specialty in Shared Ownership cases, advising on the rights under such products including issues in relation to sub-letting, ASB and mortgages.

Recent work includes:

- Advising a group of interconnected companies on the legal relationships created by various occupations, sub-letting and agreements over buildings on a sprawling site;
- Acting for LPA receivers installed by mortgage companies seeking possession following *Menon v Pask* [2019] EWHC 2611 (Ch);
- Advising administrators on recovery of sums due to reductions in a commercial dilapidation claim;
- Advising on the necessary engagement with tenants following stock transfer and duties under Consumer Standards of the Social Housing regulator;
- Successfully acting for the commercial tenant who had been wrongfully evicted including advising on sets for enforcement of costs judgments;
- Successfully acting for Local Authority where the tenant raised issue of compliance with the Public Sector Equality Duty under s149 of the Equality Act 2010 with the respect to a claim for a discretionary succession;
- Securing possession of property based on sub-letting over AirBnb which ultimately led to a £100,000.00 Unlawful Profit Order;
- Tristan was junior counsel to Nicholas Grundy QC in the Court of Appeal, in the case of ***Livewest Homes Ltd v Bamber*** [2019] EWCA Civ 1174 on the issue of serving notices under s21(1A) & (1B) at the end of a fixed term tenancy.

## Commercial

There is a significant cross over between Tristan's Commercial and Property practice. He has acted in a range of commercial disputes and uses his expertise in Property law to advise on issues involving commercial and residential property, including:

- Telecoms rights under the Schedule 3A of the Electronic Communications Code;
- The enforcement of rental guarantees in commercial and residential tenancies;
- Director's duties in a company specialising in Property development;
- Shareholder disputes including drafting a claim for unfair prejudice in relation to residential management companies;
- The enforcement of mortgages, including Shared Ownership mortgages;

With his experience of taking enforcement action means that Tristan is well placed to act throughout the litigation process and always ensures a litigation strategy includes avenues for recovery of sums owed, with experience of gaining Freezing Injunctions

Tristan often acts in cases involving mortgage regulation, be that under CCA 74 or FSMA 2000. Recent work includes:

- Successfully acting for a 2nd charge lender where numerous defences under FSMA had been advanced;
- Advising on the prospect of enforcement of loans and unfair relationships under CCA 74;
- Advising on shareholder in relation unfair prejudice petition in relation to freehold property over a sprawling estate which had complicated issues in relation to repairs, service charges and director duties;
- Acting for a landlord in dispute over renewal of 1954 Act lease for the purposes of providing Telecommunication services;
- Advising on leasehold variations and the status of guarantors given the Landlord & Tenant (Covenants) Act 1995.

## Restructuring & Insolvency

Tristan is regularly instructed to appear in insolvency proceedings for creditors, debtors, companies and office holders. He has recently been appointed the C Panel and undertakes work for HMRC in relation to bankruptcy.

Tristan uses his experience in property matters to assist where there are overlapping issues from insolvency proceedings.

Recent work includes:

- Acting administrators as to enforceability of charging order where there where ongoing matrimonial proceeding;
- Acting for office-holders in requests for oral examinations under s366 IA 86;
- Advising on the complex issues stemming from disclaimer of leaseholder and freehold by liquidators;
- Advising on steps in relation to property of a deceased bankrupt under s421A IA 86;
- Acting for HMRC in Director Disqualification proceedings;
- Advising on a challenge to Mental Health Moratorium under the Debt Respite Scheme and challenges

that could be brought in relation to the Defendant's mental capacity given on-going litigation;

- Advising administrators on recovery of sums due to reductions in a commercial dilapidation claim;
- Advising on the implications for a landlord where their commercial tenant has been liquidated leaving unlawful sub-tenant's in occupation;
- Dealing with the annulment of bankruptcy orders under s282(1)(a) due to lack of capacity;
- Advising and representing Trustee in Bankruptcy in relation to the sale of the family home;
- Advising client on issues stemming from landlord's insolvency;
- Advising Administrators on disclaimer of onerous property;
- Jurisdictional issues in insolvency proceedings;
- Ensuring that disclosure requests from Trustees where legitimate in the context of confidential and personal information;

## Trust, Wills & Probate

Tristan acts on a range of applications under Trusts of Land and Appointment of Trustees Act 1996 including the challenges to beneficial interest in property alongside contentious wills and probate issues.

Recent work includes:

- Acting in a long running dispute to challenge a Will based on fraud and undue influence;
- Advising on unfair prejudice within lifetime transactions and the status of a contested Will;
- Advising and drafting on a contested application under s14 TOLATA 96 for an order for sale;
- Representing a former cohabitee in an attempt to establish an interest in a shared ownership property;
- Advising on claims under the Inheritance (Provision for Family and Dependents) Act 1975;

## FURTHER INFO

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### Publications

Guaranteeing enforcement: Signature Living Hotel Limited v (1) Sulyok & (2) Cocarla [2020] EWHC 257 (Ch)  
<https://www.pla.org.uk/2020/05/tristan-salter-and-tiernan-fitzgibbon-five-paper-guaranteeing-enforcement-of-guarantees/>

Loosening the limits on statutory interpretation: Livewest v Bamber (with Nicholas Grundy QC) (find the link here)

Tenure confusion: are shared ownership lessees assured tenants, long lessees or both? Property Litigation Association (find the link here)

Annulment of bankruptcy orders: mental incapacity (find the link here)

## **Seminars & Training**

Tristan organises an extensive programme of training which can be conducted in Chambers or at client offices. Recent topics include:

- The Commercial Rent (Coronavirus) Act 2022
- The 2017 Telecoms Code
- Insolvency issue for Property Lawyers
- Mortgage meltdown: what to do when things go wrong
- Shared Ownership: rights & responsibilities
- Changing the Landscape: variation of Restrictive Covenants
- Enforcement options following judgment
- Introduction to Trusts Law
- Possession & the Equality Act 2010

Please contact Tristan directly for any information about Seminars.

## **Pro Bono**

Tristan has taken on Pro Bono cases, using his experience working at the Personal Support Unit to provide clear and effective advice directly to clients.

## **Academic background**

- University of Law – BPTC
- University of Law – GDL
- Pembroke College, University of Oxford – History BA (2:1)
- Princeton University – History Exchange Programme

## **Scholarships and Prizes**

- Pegasus Scholarship to New Zealand – Inner Temple
- Lord Brougham Scholarship – Lincoln's Inn
- Hardwicke Scholarship – Lincoln's Inn
- Princeton Exchange Scholarship – Oxford University

## **Professional memberships**

Property Bar Association (PBA)

Commercial Bar Association (Combar)  
London Common Law & Commercial Bar Association (LCLCBA)  
Social Housing Lawyers Association (SHLA)

## Directory Quotes



Ranked Band 4 for Health & Safety in **Chambers and Partners 2025**

“Tristan Salter provides clear advice on the legal points, always with one eye on the commercial and reputational implications of the advice.”

**Chambers and Partners 2024**

“He is very good with clients and is fantastic on his feet.”

**Chambers and Partners 2024**

“Tristan Salter is excellent, my go-to barrister.”

**Chambers and Partners 2024**

“I find his advocacy and case management skills to be unmatched.”

**Chambers and Partners 2024**

“Tristan Salter is knowledgeable and personable and the client feedback is always exceptional.”

**Chambers and Partners 2024**

*“Tristan is an excellent advocate and is very well liked by clients as being approachable and sensible in terms of case progression.”*

**Chambers and Partners 2023**

*“Tristan is a great advocate and provides concise and clear written advice.”*

**Chambers and Partners 2023**

“Tristan is an incredible advocate. He controls the court room entirely.”

**The Legal 500 UK 2024**

*“Tristan is capable far beyond his years call. His immensely knowledgeable yet incredibly friendly and down to earth manner makes him a go-to barrister.”*

**The Legal 500 UK 2023**

## Privacy Notice

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