

## Tristan Salter

Called: 2013  
tristansalter@fivepaper.com

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

"Tristan is a great advocate and provides concise and clear written advice."

Chambers & Partners UK 2023



### PROFILE

---

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

Tristan accepts instructions in all aspects of property law with a focus on real property, leasehold and trusts of land. He is also able to advise on the frequent cross-over of property issues into the realm of company law or insolvency, advising on shareholder rights in property companies or the complex issues that emerge when a landlord or tenant has become insolvent.

From 1 September 2021 Tristan has been appointed to the Attorney General's Civil C Panel of Counsel and acts for a range of Government departments on property, commercial and insolvency issues.

### EXPERTISE

---

#### 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:

- Drafting pleadings in relation to long running boundary dispute which included issues relating to damage caused by roots systems

- Advising on the implications on the impact of Duval on a premium for consent to alterations;
- Advising on prospects of injunction to secure completion of sale of a property;
- Advising a Right to Manage company in relation to on-going obligations in relation to a listed building;
- Advising and drafting pleadings on a dilapidation claim which stemmed from earlier litigation in which he successfully defeated a tenant's claim under the 1954 Act for a new tenancy;
- Advising on implication of FirstPort v Settlers Court on RTMs across a London Borough;
- Successfully securing a declaration that consent to alterations has been unreasonably refused;
- Advising on Party Wall applications;
- Successfully secured injunctions against trespassers on commercial premises.

## Landlord and Tenant

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

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

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.

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;
- Advising on the necessary engagement with tenants following stock transfer and duties under Consumer Standards of the Social Housing regulator;
- 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;
- Advising on steps in order to secure possession of a Shared Ownership property on the basis of the tenant's neglect and hoarding;
- Acting for a tenant who had been illegally evicted from their property at the start of the pandemic, securing a positive settlement for unlawful eviction and a Rent Repayment Order;
- Successfully acted for London Borough successfully resisting an appeal under s204 of the Housing Act 1996. Argued that the reviewing officer had taken into account a wide definition of violence when assessing whether the property was reasonable to continue to occupy.

## 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:

- The impact and rights of landlords under the Commercial Rent (Coronavirus) Act 2022
- 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; 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;
- Acting for LPA receivers installed by mortgage companies seeking possession following Menon v Pask [2019] EWHC 2611 (Ch); o 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; o 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:

- Dealing with the annulment of bankruptcy orders under s282(1)(a) due to lack of capacity.
- Acting for a Bankrupt to resist sale of family home;
- Advising on challenges to Breathing Space Moratoriums;
- 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 and 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:

- 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 property;
- Advising on claims under the Inheritance (Provision for Family and Dependents) Act 1975;

## FURTHER INFO

---

### Publications

*Guaranteeing enforcement: Signature Living Hotel Limited v (1) Sulyok & (2) Cocarla* [2020] EWHC 257 (Ch) [find the link here](#)

*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 o 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)  
Social Housing Lawyers Association (SHLA)

## Directory Quotes



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

