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

Chris Payne



Called: 2012
chrispayne@fivepaper.com

PROFILE

Chris has a broad property-based practice covering landlord and tenant, social housing and property litigation as well as a growing practice in private client matters relating to property and probate disputes.

Chris places proactivity and communication at the fore of his practice. He has sound judgment and is able to balance the legal and practical or commercial realities of a given case to get the best outcome for his clients.

EXPERTISE

Landlord and Tenant

Chris has experience representing both landlords and tenants across a range of matters which allows him to give balanced advice that is both objective and pragmatically sound. His practice is now more shifted towards representing landlords including both institutional and private landlords in a wide range of contentious and advisory matters.

His experience includes both the residential and commercial settings, as well as the private and social housing sectors. He has extensive experience of housing conditions claims both in relation to breach of covenants and under the Environmental Protection Act 1990. His experience extends to dilapidations, forfeiture and renewal claims, HMO issues, service charge disputes and other related matters.

Examples of recent work include:

- Advising and representing a defendant freeholder in a complex s.82 Environmental Protection Act 1990 prosecution in respect of an alleged statutory nuisance due to noise emanating from plant machinery

serving an unidentifiable commercial property within the freehold development

- Advising and representing a business owner, including drafting various pleadings and applications, in a complex dispute relating to a business sale and related possession of an HMO above a public house where the previous HMO licence holder was continuing to masquerade as the landlord including defending against numerous specious defences and counterclaims arising from the business sale
- Representing a tenant at trial and persuading the court to strike out a claim for possession and rent arrears as an abuse of process where it was elicited at trial that the tenancy agreement had been forged in a bid to disguise payment of a tenancy deposit
- Advising and representing a housing association in a disability discrimination services claim where it was alleged the lift had not been repaired in a reasonable period of time and compromising the claim for a very modest sum arising out of his analysis of a nuanced limitation argument

Property Litigation

Chris' property litigation practice is varied and covers a range of matters arising from real property ownership which is complemented by his landlord and tenant experience. He has experience of matters relating to misrepresentation in property contracts and sales, boundary disputes, covenant enforcement and release, as well as rights of way and easements.

Recent examples of work include:

- Advising a football club on the terms and termination of a licence agreement to rent out their state-of-the-art pitch which did not include an express termination clause
- Advising a vendor of a residential property on fraudulent misrepresentation based on allegedly false information provided in the Property Information Form and allegedly conflicting reports made to the police by the neighbour about the vendor
- Advising on, drafting a Defence and ultimately negotiating a favourable settlement at the door of court in a claim relating to a right of way and whether a gate to a private road should be open or shut at night
- Advising on, drafting the claim, and successfully representing the Claimant following default on a loan in excess of £500,000 to purchase a property including considerations of tracing and breach of trust arguments and detailed arguments on the correct approach to interest
- Advising on an application for registration of a right of way over agricultural including complex elements of factual and historical research
- Representing the Petitioner against a developer resisting an injunction to restrain advertising/giving notice where the Petitioner was seeking the return of a £250,000 deposit following a property purchase that fell through
- Advising on s.423 Insolvency Act 1986 proceedings following transfer at an undervalue of a property by a loan debtor

Private Client

Chris' private client practice broadly covers matters arising from real property ownership and probate matters, often with a property element involved. Within the property sphere Chris has extensive experience acting in TOLATA claims and other property rights such as

Recent examples of his work include:

- Advising and representing a widow in TOLATA proceedings where the family home was alleged to have been beneficially owned by her late husband but was legally in the name of an associate who was now asserting total ownership after being contacted by the widow notwithstanding his being absent and

silent for some 25 years

- Advising beneficiaries to an estate where another beneficiary appeared to have mortgaged the deceased's property, taken the mortgage monies and also given himself a beneficial interest in the process, by virtue of an express declaration of trust, in highly suspect circumstances
- Representing a Defendant cohabitee in a successful mediation in a TOLATA matter involving two properties and express declarations of trust but where those declarations did not cover a range of post-separation issues
- Advising a beneficiary on a professional negligence claim against her former solicitors where she settled an occupation rent claim, potentially worth in excess of £200,000, for costs only after a solicitor left a Part 36 offer open for acceptance for a number of years and then issued proceedings

FURTHER INFO

Qualifications

University of Warwick, LLB (Hons)
BPTC, University of Law Birmingham

Professional Memberships

Property Bar Association
Chancery Bar Association
Social Housing Lawyers Association

Privacy Notice

Click here for Chris's Privacy Notice