

# Anthony Verduyn

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## Commercial & Chancery Litigation Profile

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The broad focuses of Anthony's practice are real property litigation and landlord and tenant disputes, with professional negligence and partnership claims undertaken in that context. Anthony appears regularly in the higher courts, including trials up to 12 day's duration, but has broad experience in the County Court (where he also sits as a Recorder) and in references to the Land Registry division of the Property Chamber (where he also sits as a Judge). In property litigation highlights have been Court of Appeal cases regarding restrictive covenants boundaries and adverse possession, and High Court proceedings on matters as diverse as enforcing a Deed relating to Knightsbridge flats, a solicitors undertaking in respect of a mortgage and construing the terms of a contract of sale. Landlord and tenant work can be equally varied, with High Court cases dealing with disrepair to Grade II listed buildings, the installation of beer flow monitoring equipment, the terms of a business renewal, and the consequences of forfeiture and surrender. The value of these cases can run from millions of pounds (the operation of a break clause in offices at Heathrow) down to the desire to preserve one's home (the loss of part of a front garden): Anthony recognises that every case is important to the litigants. Some cases can be very urgent, like the expulsion of protesting students from an unsuitable building to the keeping open of a market for its traders when strike action threatens. A willingness to commit at short notice to getting the desired result is essential in such matters. When property deals and relationships go wrong, litigants often look for a party at fault, and Anthony has a specialist professional negligence practice dealing primarily with matters like conveyancing errors, incompetent drafting, and the missing of break options. The holding of property by partners can also generate specialist work with particular problems. Anthony is always keen to establish a strong rapport with profession clients (who include surveyors and other property professionals as well as solicitors) and with lay clients. In many cases, site views are essential and he is a willing traveller.

## What-the-Directories-Say

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- "He's always thoroughly prepared and has meticulously read through the papers. No matter how big the file is he will know it inside out.", "He's very client-focused and has a calm and personable approach.", "Possibly one of the most approachable barristers in practice." and "Clients really warm to him. He is knowledgeable and has great technical expertise." - Chambers UK 2019
- "A highly incisive barrister." - Legal 500 2019
- "Widely lauded for the depth of his knowledge of property law. He acts in a variety of cases ranging from

leasehold disputes to possession claims and allegations of professional negligence.", "Pragmatic, level-headed, flexible, available and very responsive to issues that arise." and "He is technically first-rate and has an excellent manner." - Chambers and Partners 2018

- "He has a "can-do" attitude and seeks practical solutions to difficult problems." Legal 500 2017
- "He thinks outside the box and looks at novel approaches." "Extremely bright, down-to-earth and great with clients." - Chambers and Partners 2017
- "Highly technically competent, practical and decisive." - Legal 500 2016
- "His preparation of cases for hearing is extremely diligent." - Legal 500 2015
- "What he doesn't know about property law isn't worth knowing." - Chambers and Partners 2016
- "A very thorough and knowledgeable advocate. He is easy to work with and has delivered very well for us in everything." - Chambers and Partners 2016
- An esteemed practitioner who attracts enviable praise for his impressive technical know-how as well as his top-class communication skills. He covers a substantial amount of real property work, including boundaries, rights of way and restrictive covenants. Expertise: "He is a superb communicator who gets on top of the most complicated briefs very quickly." CHAMBERS UK 2015
- "Extremely knowledgeable and experienced" (Legal 500, Midland Circuit, Property, Leading Juniors)"
- Chambers and Partners 2014 describes Anthony as, "a shrewd operator who looks after his clients well."
- The Chambers UK 2013 edition stated, that the "extremely impressive" Anthony Verduyn is "very down-to-earth and develops a very easy rapport with clients." Interviewees appreciate that he is "not afraid of getting his hands dirty."

## Recent-Experience

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Anthony's recent experience includes successful appellate cases concerning:

- The proper interpretation of extrinsic evidence relating to registered land, in particular the survey conducted on behalf of HM Land Registry: *Durden v Aston* [2012] EWCA Civ 636.
- The introduction of newly acquired evidence at appeal in justification of a retrial: *Balevents v Sartori* [2012] EWCA Civ 1508.

It also includes significant cases at first instance:

- Validity of a Deed and rights in Knightsbridge properties, litigated over 13 days in the High Court and including a worldwide freezing order: *Yedina v Yedin*[2017] EWHC 3319 (Ch)
- Committal of Landlord and Company Director in case concerning failure to insure commercial property: *Monopro Ltd v Central Hall Developments Ltd* [2017] EWHC 1509 (TCC)
- The power of local authority market operator to terminate licences: *R. (on the application of Aryubi) v Birmingham City Council* [2015] EWHC 1972 (Admin)
- The power of landlords to install beer flow monitoring equipment in leasehold properties: *Unique Pub Properties v (1) Broad Green Tavern Ltd (2) Dempsey* [2012] EWHC 2154 (Ch); [2012] 2 P&CR 17.

- Proceedings to determine whether a headlease was forfeited or surrendered, essential to the security of tenure of an underlessee renting a car park at £200k per year.
- Urgent injunctive relief to protect university facilities from sit ins (University of Birmingham v Persons Unknown in 2011) and to keep open markets for trading (Birmingham (Wholesale) Fresh Produce Association v Birmingham City Council in 2011).

Recent cases include considering lease provisions in respect of a development with "Sick Building Syndrome", achieving a settlement of a Land Registry indemnity case for a six-figure sum and a trial before a High Court judge of issues relating to boundaries and adverse possession in the Cotswolds (Harrison v Brading [2016] EWHC 3267 (Ch))

## Reported-Cases

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- Bryant Homes Ltd v Stein Management Ltd [2016] EWHC 2435 (Ch); [2017] 1 P. & C.R. 6: Restrictive covenants and money payment obligations
- Unique Pub Properties v (1) Broad Green Tavern Ltd (2) Dempsey [2012] EWHC 2154 (Ch); [2012] 2 P&CR 17 - Construction of lease and beer flow monitoring
- Wickens v Cheval Property Developments Ltd [2010] EWHC 2249 (Ch); [2011] 1 P. & C.R. DG9 - Obligations and passing of risk in fixtures and fittings in contract for the sale of land
- Balevents v Sartori [2011] EWHC 2437 (Ch); [2011] All ER (D) 148 (Sep) - Adverse possession and fiduciary duties
- Brooker v Unique Pub Properties Ltd [2009] EWHC 2599 (Ch); [2009] 3 E.G.L.R. 59; [2009] 49 E.G. 72 - Lease renewal and valuing licensed premises
- Hyett v Stanley [2003] EWCA Civ 942; [2004] 1 F.L.R. 394; [2003] 3 F.C.R. 253; [2003] W.T.L.R. 1269; [2004] Fam. Law 23 - Constructive trusts and proprietary estoppel
- Stafford Borough Council v Haynes [2003] EWCA Civ 159; [2003] H.L.R. 46 - Committal in social housing context

## Specialist-Areas

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Anthony Verduyn is a member of the following specialist practice groups where detailed CV's can be viewed by clicking on the links below:

- General Commercial
- Partnership
- Professional Liability
- Real Estate

## Qualifications-and-Appointments

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- ADR Group Accredited mediator
- D.Phil (Oxon)
- Dip Law (City)
- BA Hons (Dunelm) 1st
- Recorder (Civil) 2009
- Deputy Adjudicator to HM Land Registry 2008
- Lawyer Chairman in Residential Property Tribunal Service 2006
- Member of Birmingham Law Society Property and Development Committee
- Recorder (Private Family 2013 and Public Law 2017)
- Tribunal Judge, First Tier Tribunal, Property Chamber (Land Registration and Residential Property divisions) 2013

## Professional-Associations

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- Property Bar Association
- Midland Chancery and Commercial Bar Association
- Birmingham Law Society
- Arbrix