



Tricia Hemans Called 2013

Practice Summary

Tricia Hemans specialises in all areas of property law, including real property, both commercial and residential landlord and tenant law. Tricia has particular expertise in mortgage receivership disputes and is a co-author of Tozer, Crampin and Hemans on Mortgage Receivership: Law & Practice, 2nd Edn, due for publication in early 2024. In addition, Tricia has experience of complex property-related family law disputes (TLATA applications, co-ownership disputes etc.). She has appeared in the Family Court and has been led in the family division of the High Court. Tricia is also an experienced mediation advocate.

Tricia also has experience of telecoms law and recently appeared for the operator, led by Oliver Radley-Gardner KC, in the first Supreme Court case to consider the provisions of the New Code: Cornerstone Telecommunications Infrastructure Limited v (1) Ashloch Limited & (2) Ap Wireless II (UK) Limited [2022] UKSC 18.

Tricia's recent cases have involved:

Mortgage Law

- Receivership disputes
- Complex mortgage possession claims
- Applications for orders for sale

Land registration

- Appearing, as junior counsel led by Stephanie Tozer KC, regularly in the High Court in relation to a high-value and complex land registration dispute
- Yuen v Wong (2019) – a case involving a disputed transfer of property and the question of whether it is possible to witness a deed remotely
- Being led in the Court of Appeal by Stephanie Tozer KC in Rashid v Nasrullah [2018] EWCA Civ 2685, an important case on adverse possession
- Issues concerning easements, rights of way and boundary disputes

Telecoms/Utilities

- Being led in the Supreme Court by Oliver Radley-Gardner KC in Cornerstone Telecommunications Infrastructure Limited v (1) Ashloch Limited & (2) Ap Wireless II (UK) Limited 2022 UKSC 18
- Advising on property law matters affecting the operation of the Code
- A complex arbitration, led by Jonathan Karas KC in a dispute concerning the intersection of property law and utilities

Property-related family law / Co-ownership disputes

- A complex possession claim, involving issues arising under TLATA and the Family Court's power to grant non-molestation orders and occupation orders restricting the right to possession



- Co-ownership disputes and applications under the provisions of TLATA
- Being led in the Family Division of the High Court, in a dispute involving a divorce settlement with a property law dimension

Enfranchisement

- Acting in valuation disputes in the FtT in relation to lease extensions and collective enfranchisement claims under LRHUD Act 1993
- Advising on lease extensions and collective enfranchisement claims under the LRHUD Act 1993
- Education

BPTC: The University of Law - formerly the College of Law (Very Competent)

LLB: Law, Queen Mary University of London (1st Class Hons)

- Memberships and Awards

Tricia is a member of:

- The Chancery Bar Association
- The Property Bar Association
- The London Common Law and Commercial Bar Association
- The Bar Council's Flexible Working Group
- The Bar Council 2019-2020 - Equality, Diversity & Social Mobility Committee's Retention Panel
- Called 2013: Middle Temple Inn
- Recognised as a 'Rising star' in the Legal 500 2021 UK Guide
- Nicholas Pumfrey Memorial Award: Middle Temple
- Access to the Bar Award: Middle Temple
- Principal's Prize for outstanding academic achievement: Queen Mary University of London

- Selected Cases

Cornerstone Telecommunications Infrastructure Limited v (1) Ashloch Limited & (2) Ap Wireless II (UK) Limited 2022 UKSC 18 Tricia appeared in the Supreme Court, led by Oliver by Oliver Radley-Gardner, in the first Supreme Court case to consider the provisions of the Telecoms Code.

Grace Parks v Wiltshire Council (2022): Tricia appeared for the successful Council in a two-day trial in the FtT concerning the recovery of service charges under the Landlord and Tenant Act 1985.

Hope Community Church (Wymondham) v Phelan and others (as Trustees of The Phelan Group Limited Retirement Benefits Scheme) [2020] EWHC 1240 (Ch): Led by Guy Fetherstonhaugh QC, Tricia Hemans acted for the Defendant as the Court considered when the right to enfranchise can be exercised under the little encountered, Places of Worship (Enfranchisement) Act 1920. While there are some Upper Tribunal cases dealing with compensation, this is only the second reported case to deal with the question of when the right can be exercised. The High Court has now shed some much-needed light on what is required under s.1 of the 1920 Act.

Yuen v Wong (2019): Tricia appeared in the First-tier Tribunal as it considered an important point on which there is no clear authority, concerning whether, for the purpose of creating a deed, it is possible to witness a signature remotely.

3 and 41 Observatory Way Ramsgate and 24, 36, 54, 60 and 86 Pretoria Road Chertsey. Tricia appeared in the First-tier Tribunal, Property Chamber (Residential Property) as it considered seven leases with doubling ground rent provisions. The Tribunal determined the appropriate capitalisation rate to be applied to doubling ground rents following applications under s.48 Leasehold Reform Housing and Urban Development Act 1993 to determine the terms of acquisition of seven separate lease extensions.



Rashid v Nasrullah [2018] EWCA Civ 2685: Tricia appeared in the Court of Appeal led by Stephanie Tozer in this important case on adverse possession. The court considered whether a person who had, by fraud, become the registered proprietor of land could successfully claim adverse possession of that land in the face of a challenge by the defrauded original proprietor.

The Mortgage Business Plc and others v E&J Ground Rents NO3 LLP and others (2017): Tricia appeared for the successful claimant in the High Court, Chancery Division. The claim involved the rectification of mistakes in various documents, consequential declarations and the updating of the land register to reflect the rectification.

Imran Garrib v Palwontee and Bank of Scotland (2017): Tricia appeared for the successful second defendant, the Royal Bank of Scotland, in a two-day trial in the First-tier Tribunal (Land Registration). The case concerned whether the proprietorship register should be rectified due to an allegedly fraudulent transfer and if so, whether a charge in favour of the bank should also be removed as a consequence of the original mistake. The case raised issues concerning the equitable remedy of subrogation, the scope of the Tribunal's powers to correct the consequences of a mistake and its jurisdiction determine matters referred to it.

Meditation Advocacy

Tricia has been involved in numerous mediations as mediation advocate. This included legal issues concerning:

- a substantial disrepair claim relating to a residential flat
- the correct location of a boundary between two residential properties
- negligence and nuisance resulting from an ingress of water on land which affected a neighbouring property
- a claim for specific performance and damages including aggravated damages, resulting from an alleged failure by a landlord to carry out repairs.

● Publications & Seminars

Co-author of Tozer, Crampin and Hemans on Mortgage Receivership: Law & Practice, 2nd Edn - due for publication in early 2024

A practitioners' guide to the intermediate track - NLJ 1 December 2023 with Daniel Black

Lockdown: A new lease of life - NLJ 11 September 2020 with Cecily Crampin

Where are we now? Mortgage Receivership & Possession - NLJ 7 February 2020 with Cecily Crampin

Contracts: The formal, informal, implied and naturally understood. March 2019, seminar (with Thomas Rothwell)

On the Receiving end - NLJ 22nd March 2019 with Cecily Crampin

Contributor to Mortgage Receivership: Law & Practice, 1st Edn, by Stephanie Tozer and Cecily Crampin

Contributor to Westlaw Insight – Severability of Joint Tenancies and Holiday Lets

Enfranchisement Claims and Statutory Interpretation: Purpose and Prejudice? L. & T. Review 2017, 21(3), 95 – 102 (with Cecily Crampin)

To Build or Not To Build? Restrictive Covenants. April 2017 seminar (with Jamie Sutherland)

Breaking Bad. February 2017, Solicitors Journal (with Greville Healey)



"The Right to Manage – the basics". February 2015 seminar (with Philip Sissons)

No room at the inn. L. & T. Review 2015, 19(2), 47-51 (with Oliver Radley-Gardner)

Article 8 defences to possession claims. I.H.L. 2014/15, 226 (Dec/Jan), 34-36 (with Toby Boncey).

Published Comments

"Tricia is excellent, user-friendly and sensible with superb, carefully considered advocacy."

"Tricia was easily contactable, and provided helpful guidance over the telephone. Excellent technical analysis."

"She gets a handle on complex matters quickly and provides very clear and incisive opinions." *Chambers and Partners UK Bar Guide 2024*

"Tricia's advice is always very thorough, and she is very good with clients. Her advocacy is extremely effective. She leads even the most sceptical judges through the case in a practical way." *Legal 500 2024*

"Tricia is cool, calm and collected, a chess player who knows everything and is so well prepared." *Chambers and Partners UK Guide 2023*

"Tricia Hemans is a tenacious advocate who is also extremely user-friendly." *Chambers and Partners UK Guide 2023*

"Tricia formulates detailed and thorough opinions and conveys them in a concise and succinct manner." *Legal 500 2023*

Tricia Hemans is an impressive junior who is said to be approachable as well as possessing outstanding technical skill. She operates a broad practice, featuring commercial and residential landlord and tenant work, transactional disputes and other issues such as easements. *Chambers and Partners UK Guide 2022 (Real Estate Litigation)*

Impressive junior who is said to be approachable as well as possessing outstanding technical skill. She operates a broad practice, featuring commercial and residential landlord and tenant work, transactional disputes and other issues such as easements. Strengths: "We've been impressed with the speed, depth and quality of the advice we have received." *Chambers and Partners UK Guide 2021 (Real Estate Litigation)*

"An up and coming name for mortgage, enfranchisement and property-related family disputes." *Legal 500 2021*

Impressive junior who is said to be approachable as well as possessing outstanding technical skill. She operates a broad practice, featuring commercial and residential landlord and tenant work, transactional disputes and other issues such as easements. Strengths: "A rising star." *Chambers and Partners UK Guide 2020 (Real Estate Litigation)*

"Impressive junior who is said to be approachable as well as possessing outstanding technical skill. She operates a broad practice, featuring commercial and residential landlord and tenant work, transactional disputes and other issues such as easements. Strengths: 'In very complicated matters she can see the wood for the trees and is a very effective advocate.' 'Provides clear advice and is approachable and personable'. Recent work: Appeared in the preliminary hearing of an arbitration concerning the rights of landowners under a deed granting an easement to lay a gas pipeline." *Chambers UK Guide 2019 (Real Estate Litigation)*