Falcon Chambers

Adam Rosenthal KC

Called 1999 Silk 2020



Practice Summary

Adam is an experienced property litigator whose practice encompasses all aspects of real property and landlord and tenant-related litigation and advice. He is a persuasive advocate with vast courtroom experience at all levels, including the High Court and the Court of Appeal. He also has considerable experience of arbitration (as an advocate and as arbitrator or legal assessor). He gives clear, commercial, strategic and practical advice.

- Recent **commercial landlord and tenant work** includes substantial dilapidations claims, renewals under the Landlord and Tenant Act 1954, service charge disputes and rent review arbitrations. He is also instructed in high-value residential landlord and tenant disputes, including service charges, RTM and leasehold enfranchisement cases.
- Adam has particular experience in **disputes relating to the sale and development of land**, including rights to light issues, the interpretation of contracts for sale and development / promotion agreements, options, rights of pre-emption, joint venture agreements / Pallant v Morgan trusts, overage, rectification claims, and proprietary estoppel. Disputes also often involve land registration and title issues and advising on and litigating about easements and restrictive covenants (including applications under s.84 of the Law of Property Act 1925).
- In recent years, Adam has built up an expertise in relation to the **Building Safety Act 2022** and has acted in a number of claims for remediation orders and remediation contribution orders and he frequently lectures on this developing area of law.
- As a **contributor to the leading textbook on mortgages**, he often acts in cases relating to secured lending, including claims by or against receivers.
- Adam is often instructed in **property-related professional negligence claims** (and recently appeared in the Court of Appeal in the leading case on negligence claims against valuers).
- A substantial part of his practice involves cases which concern **property-related insolvency matters**, often appearing before ICC Judges in the High Court.
- Many of Adam’s cases involve **complex valuation issues**.

Education

- St. Catherine's College, Oxford University - BA (1998) (Law with French Law): 1st Class; College Scholarship
- Université Panthèon-Assas (Paris II) (Third Year of Degree)

- Fluent in French.

Professional

- Gray's Inn (Prince of Wales Scholarship)
- Inns of Court School of Law
- Appointed Junior Counsel to the Crown - A Panel.

Recent Cases

- **Bratt v Jones** [2025] EWCA Civ 562, [2025] 4 WLR 59: negligence claim against valuer relating to expert determination of price payable under option agreement. Application of the “bracket” to cases of valuer’s negligence. Also appeared at trial ([2024] EWHC 631 (Ch)).
- **Restaurant EC3 Ltd v Tavor Holdings Ltd** [2024] EWHC 3104 (Ch), [2025] 2 P & CR 13: nature and quantification of damages for trespass payable by landlord following wrongful forfeiture. Issue arose in context of opposed winding up petition.
- **Secretary of State for Levelling Up, Housing and Communities v Grey GR Limited Partnership** (FTT, 29 April 2024): acted for the Secretary of State, securing a remediation order under s.123 of the Building Safety Act 2022.
- **Alma Property Management Ltd v Crompton** [2023] EWCA Civ 849 – appeal to Court of Appeal from decision of the High Court, focusing on the powers of fixed charge receivers and the implication of the existence of a bare trust on the counterclaim for a declaration that consent to assign was unreasonably withheld.
- **R (Annington Property Ltd) v Secretary of State for Defence** [2023] EWHC 1154: part of team acting for the Secretary of State in a combined judicial review and Chancery Division trial to determine whether the MoD has the right to enfranchise the properties occupied by service families, which were the subject of a sale and lease-back arrangement in the 1990s. Currently under appeal to the CA.
- **Alma Property Management Ltd v Crompton** [2022] EWHC 2671 (Ch): specific performance claim against tenants who had taken a lease in their capacity as receivers of the freehold. Reasonableness of requirement of AGA as a condition for receivers to assign the lease and consideration of the status of the receivers as agents and the extent of their right to an indemnity from the freeholder/mortgagor.
- **Manchester Airport Plc v Radisson Hotel Manchester Ltd** [2020] EWHC 3367 (Ch): interpretation of tenant’s covenant to pay “prevailing commercial rates” for electricity and gas supplied privately by a landlord.
- **GKN Aerospace Services Ltd v Duncan Investments Ltd** [2020] EWHC 3719 (Ch): interpretation of break clause which, although read literally provided for a notice to be served on a single day, properly construed allowed for service on or before that day.
- **Gilbert v Wellesley** [2020] EWHC 777 (Ch): **i**nterpretation of restrictive covenants.
- **Moorjani v Durban Estates** [2019] EWHC 1229 (TCC). A Leaseholder's claim for damages following the freeholder's alleged breach of its repairing obligations was barred by the cause of action estoppel and merger.
- **Parker v Roberts** [2019] EWCA Civ 121: appeal to the Court of Appeal concerning the extent of a right of way / implied easements. Judgment in the Chancery Division ([2018] EWHC 1206 (Ch)) also concerned questions of implied release of easements / prescription / defective registration of a restrictive covenant.
- **Re O’Byrne’s Application** [2018] UKUT 395 (LC): Application to the Upper Tribunal (Lands Chamber) under s.84(1) of the Law of Property Act 1925 for the modification of restrictive covenants.

- **Wild Duck Ltd v Smith** [2018] EWCA Civ 1471, [2018] L & TR 35: appeal against decision of the Chancery Division ([2017] EWHC 1252 (Ch)) concerning the extent of an implied obligation on a landlord in a tripartite lease not to prevent a tenant-owned management company from performing its obligations to undertake works to a site comprising holiday lodges in the Cotswolds.
- **Generator Developments LLP v Lidl UK GmbH** [2018] EWCA Civ 396, [2018] 2 P & CR 7 (on appeal from [2016] EWHC 814 (Ch)): whether a Pallant v Morgan equity arose where parties failed to agree terms for a joint venture.
- **Office Depot International (UK) Ltd v UBS Asset Management (UK) Ltd** [2018] EWHC 1494 (TCC): strike out of tenant's claim for declarations as to what work was needed to comply with its repairing obligations in a commercial lease.
- **Djurberg v Small & Johnstone v Djurberg** (Chancery Division, 1 September 2017): appeared for the purchasers of luxury houseboats who recovered substantial damages at trial in their claims against the seller for breach of contract and misrepresentation.
- **Curzon v Wolstenholme** [2018] 1 WLR 4497: appeared for the successful appellant in an appeal to the Court of Appeal concerning registration of notices under the Leasehold Reform, Housing and Urban Development Act 1993.
- **Levett-Dunn v NHS Property Services Limited** [2016] Ch. 637: whether break notices validly served at premises with which none of the landlords retained any connection at the time of the notices, under s.196 of the Law of Property Act 1925 and, in the alternative, whether the lease had been surrendered on the grant of a new lease to a third party by the landlord.
- **A2 Dominion Homes Limited v Prince Evans Solicitors** [2015] EWHC 2490 (Ch): acted for solicitors in trial of preliminary issue in professional negligence claim, as to whether the priority protection of a unilateral notice entered to protect an agreement for lease extended to the lease, once granted.
- **Creative Foundation v Dreamland Leisure Limited** [2015] EWHC 2556 (Ch), [2016] Ch. 253: claim by assignee of reversion under a lease, in respect of the removal by the tenant of a cross-section of the wall on which a Banksy mural had been painted.
- **Mount Eden Land Limited v Bolsover Investments Limited** [2014] EWHC 3523 (Ch): whether a landlord was unreasonably withholding consent to alterations where a tenant sought consent to convert offices into flats and the landlord withheld consent on the ground that the tenant and / or sub-tenants of the flats might acquire rights of enfranchisement.
- **Erimus Housing Limited v Barclays Wealth Trustees (Jersey) Limited** [2014] EWCA Civ 303: appeal to the Court of Appeal about whether a commercial tenant who held over after the expiry of a contracted out lease became an annual tenant as a result of the continued payment and acceptance of rent.
- **Xenakis v Birkett Long LLP** [2014] EWHC 171 (QB): trial of a professional negligence claim against a solicitor arising out of advice given about the terms of a surety covenant in a commercial lease. The court was concerned with questions of breach of duty and causation, and whether the losses claimed were the losses of the claimants or a third-party corporate entity which they controlled.
- **Sumner v Costa** [2014] EWHC 96 (Ch): applications for permission to appeal and / or to set aside an arbitration award in a commercial rent review, together with an application to remove the arbitrator and for the arbitrator to pay the landlord's costs.
- **Henley v Cohen** [2013] EWCA Civ 480. Appeal to the Court of Appeal on whether a mixed-use property is a house reasonably so called for the purposes of the Leasehold Reform Act 1967. The court also held that a tenant was precluded from relying on alterations to the premises in breach of covenant in order to invoke the benefits of the Act.
- **Ampurius Nu Homes Holdings Limited v Telford Homes (Creekside) Limited** [2013] EWCA Civ 577. Appeal to the Court of Appeal about whether a developer's breach of a sale agreement, by failing to proceed with due diligence / use reasonable endeavours to meet target dates, was a repudiatory breach entitling the purchaser to terminate the agreement.
- **Ridgewood Properties Group Ltd v Valero Engery Ltd** [2013] EWHC 98 (Ch). Claim for damages for breach of option agreements.

- **Eaton Square Properties Limited v Shaw** [2011] EWHC 2115 (QB); [2011] 3 EGLR 13: whether a landlord of a dwelling owed the tenant a duty in tort to prevent the tenant from losing out on profits from a business venture which was hampered by the landlord's failure to carry out works required to the dwelling.
- **Tingdene Holiday Parks Limited v Cox** [2011] EWUT 310 (LC); [2011] 3 EGLR 30: appeal to Upper Tribunal (Lands Chamber) on various issues arising out of a service charge dispute concerning a holiday village.
- **Pinkleton Properties Limited v Dorchester Holdings Limited** [2011] EWHC 2801 (Ch): application for an injunction to restrain the presentation of a winding up petition. Application dismissed on ground that the argument which the company sought to raise was res judicata, having been the subject of earlier proceedings which resulted in a default judgment.
- **Winwood v Biffa Waste Services Limited** [2011] EWCA Civ. 108: Appeal on question of construction of a lease of a landfill site, as to whether the tenant is subject to a continuing duty to apply for planning permissions and site licences to maximise the potential of the site under the relevant environmental legislation.
- **Sable v QFS Scaffolding** [2010] L & TR 30; [2010] EWCA Civ. 682: Surrender by operation of law of commercial lease.
- **Tew v South Northamptonshire Council** [2010] UKUT 333 (LC): Upper Tribunal, Lands Chamber decision on assessment of compensation payable for compulsory purchase of a derelict building under the Planning (Listed Buildings and Conservation Areas) Act 1990.
- **Redstone Mortgages Plc v Welch** [2009] 3 EGLR 71: Questions of priority as between a mortgagee and the innocent victim of a fraudulent sale and lease-back transaction.
- **Nissim v Ablethird Limited** [2009] EWHC 585 (Ch): Reference to the High Court under the Arbitration Act in a rent review arbitration to determine whether concessionary rent to be included as a term of the hypothetical lease.
- **Re Rest Harrow, 14 The Combe - Lands Tribunal (LP/56/2007):** Application to the Lands Tribunal under section 84 of the Law of Property Act 1925 for the modification of restrictive covenants preventing development.
- **Looe Fuels Limited v. Looe Harbour Commissioners** [2008] EWCA Civ. 414 (Court of Appeal): specific performance of oral agreement for lease of fuel facility in Looe Harbour and injunction to restrain derogation from grant.
- **Peaceform Limited v. Cussens** [2007] 3 EGLR 67 (Chancery Division): validity of option notice.
- **Denton v Denton** (The Times, 14 April 2004) (Costs; Conditional Fee Agreements; Construction of solicitors' retainer letter).
- **Owen v Blathwayte** [2003] 1 P & CR 28 (Construction of grazing rights over common land).
- **Melville v Hammersmith & Fulham London Borough Council** [2002] All ER (D) 242. (Limitation periods and local land charges).

Publications

- Commercial and Residential Service Charges (2013, Bloomsbury): Co-Author
- Co-Author of Barnsley's Land Options (6th Edition) (2016)
- Contributor to Fisher & Lightwood's Law of Mortgage (14th Edition) (2014)
- Contributor to Woodfall Landlord & Tenant Bulletin.

Published Comments

"Adam has a real fighting spirit; he's very good to deal with." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Highly intelligent and experienced; brings comprehensive property expertise to insolvency matters, which is invaluable for cases where the two practices conflict." *Legal 500 UK Bar Guide 2027 (Property Litigation)*

"A go-to KC at Falcon, Adam is detailed and calm, and you can rely on him to have the right answer." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Adam is great to work with; he had a clear idea of how to resolve a tricky situation quickly and cheaply." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Adam always provides clear and pragmatic advice and is a pleasure to work with." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Adam has a fierce intellect and intellectual curiosity. He is supremely confident on the law." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Adam's advocacy style is devilishly understated and devastatingly effective." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"He is a masterful advocate and a pleasure to work with, with a deceptively laid-back style that disguises a razor-sharp intellect." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Adam is an excellent practitioner who gets to grip quickly with the issues. He has a good way with clients and gives pragmatic, commercial advice." *Legal 500 UK Bar Guide 2026*

"Adam Rosenthal KC is noted as an expert in property law. His main areas of focus include landlord and tenant litigation and restrictive covenants." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Adam is an extremely good lawyer who is very pleasant to deal with." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Adam is a strong property silk and it is always a pleasure to work with him." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Adam is very easy to work with, extremely intelligent and offers key strategic insights during cases." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Adam has the ability to translate a very dense legal analysis into clear and considered advice." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Adam strikes an excellent balance of being technically brilliant, an articulate and persuasive advocate and an approachable, hands-on part of the wider legal team." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Adam is a stand-out property silk. He is clearly very bright and articulate, and this is reflected in the quality of both his written advice and his advocacy." *Legal 500 UK Bar Guide 2025*

"Excellent service and technical ability couple with hands-on approach."

"His written opinions are always incredibly clear, never sits on the fence and always gives very clear and firm

decisions and advice." *Chambers and Partners UK Bar Guide 2024 (Real Estate Litigation)*

"He has an exceptional brain, makes light work of incredibly complex legal arguments and is an excellent advocate." *Chambers and Partners UK Guide 2023*

"Adam is brilliant and practical, and he can put together a very dense legal analysis to get the right answer for the strategy." *Chambers and Partners UK Guide 2023*

"He has an ability to cut to the core of an issue, and his advice is timely and pitched to the right level for the client." *Chambers and Partners UK Guide 2023*

Adam Rosenthal QC is noted as an expert in property law. His main areas of focus include landlord and tenant litigation and restrictive covenants. "He is user-friendly and exceptionally bright." "He has exceptional levels of knowledge and a client-focused attitude. He would go above and beyond to find a solution." *Chambers UK Guide 2022 (Real Estate Litigation)*

Widely recognised new silk, whose main areas of focus include landlord and tenant litigation, restrictive covenants and insolvency issues. Strengths: "Unflappable and great on his feet. He makes clients feel completely secure." "Adam is extremely diligent, considered and approachable." "He's been a go-to barrister for many years." *Chambers and Partners UK Guide 2021 (Real Estate Litigation)*

"Impressive, a standout counsel. He has worked tenaciously on very high profile cases with us and has always exceeded expectations so we value his ability to create persuasive arguments, deal with advice with great commerciality and be sensitive to client objectives." *Legal 500 UK Bar Guide 2021*

Widely recognised as a high-level junior in his field. His main areas of focus include landlord and tenant litigation, restrictive covenants and insolvency issues. Strengths: "A scholarly and highly articulate advocate." "He provides succinct, commercial advice and is a pleasure to work with." "He is consistently excellent – a QC in waiting." Recent work: Acted in Brobyn v Marco Island Developments, a service charge dispute regarding a significant building in Liverpool heard in the First-tier Tribunal. *Chambers and Partners UK Guide 2020 (Real Estate Litigation)*

"An accomplished practitioner in real estate litigation." *Legal 500 UK Bar Guide 2020*

"robust in court" and a "very determined litigator" according to peers who praise his work on mortgages, easements and conveyancing matters. *Who's Who Legal UK Bar 2019 Guide*

"Widely recognised as a high-level junior in his field. His main areas of focus include landlord and tenant litigation, restrictive covenants and insolvency issues. Strengths: 'Extremely bright, proactive and decisive with clients.' 'Calm under pressure and a delight to work with.' Recent work: Acted for the buyers of luxury houseboats who brought claims for misrepresentation because they found they could not live in them at their intended location on the Thames." *Chambers UK Guide 2019 (Real Estate Litigation)*

"Excellent analytical skills and very strong at both written and oral advocacy." *Legal 500 UK Bar Guide 2018*