Falcon Chambers

Edward Blakeney

Called 2016



Practice Summary

Edward Blakeney practices in all areas of property law, with a particular specialism in commercial landlord and tenant, residential landlord and tenant, and real property disputes. He also deals with commercial and professional liability issues when these intersect with property law.

Edward has a busy court and advisory practice that encompasses pre-action, trial and appellate work, and he undertakes cases both as sole counsel and as part of a counsel team. Edward regularly appears in the County Court and First-tier Tribunal, and has also appeared in a number of cases before the Upper Tribunal, High Court, Court of Appeal and Supreme Court.

Edward's recent cases have related to the following areas:

- Commercial landlord and tenant, including contested and uncontested lease renewals, break notices, dilapidations claims and forfeiture
- Residential landlord and tenant, including various forms of possession proceedings, service charge disputes, breaches of covenant, lease variations, requests for consent and rights of first refusal
- Leasehold enfranchisement, including lease extensions and collective enfranchisement under the 1993 Act, claims under the 1967 Act, and the Right to Manage/ appointment of a manager
- Mortgages and receivership
- Party Wall Act and boundary disputes
- Trespass and nuisance (both civil and criminal) proceedings
- Restrictive covenants and easements
- Adverse possession
- Land registration
- Proprietary estoppel
- Co-ownership proceedings (including under TOLATA 1996)
- Overage agreements

Education

- Modern History, St Hilda's College, Oxford – MA (Hons) (2011-2014)
- D.K. Broster Exhibition in History for results in preliminary examinations (2012)
- GDL, City Law School – Distinction (2015)
- BPTC, City Law School – Outstanding (2016)
- Lord Denning Scholarship
- Buchanan Prize
- Edward speaks French (intermediate) and Mandarin Chinese (HSK 2), and plays the violin

Professional

- Enfranchisement & Right to Manage Awards 2023: Barrister of the Year (Highly Commended)
- Called to the Bar: 2016, Lincoln's Inn
- Member of the Property Bar Association

Recent cases

Recent Cases

- **Fitzroy Place Residential Ltd v Lovitt & Ors [2024] UKUT 63 (LC):** A narrower meaning was to be given to a lease provision permitting reallocation of service charge expenditure than was contended for by the landlord. It did not permit them to devise an entirely new methodology to calculate service charge proportions.
- **Tower Hamlets Community Housing Ltd v Leaseholders of Painter House [2024] UKUT 37 (LC):** Led by Gary Cowen KC, the Upper Tribunal ruled on the tribunal's jurisdiction to vary leases under s.35(2)(f) and s.38 of the Landlord and Tenant Act 1987.
- **89 Holland Park (Management) Ltd v Dell & Dell [2023] EWCA Civ 1460:** Certain legal and professional costs were not recoverable as service charges through 'sweeper provisions' of a kind frequently found in leases. The recoverability of any expenditure depended on the particular wording of the lease in context. The Supreme Court refused permission to appeal. Edward was led by James Fieldsend.
- **Houssein & Ors v London Credit Ltd & Ors [2023] EWHC 1428 (Ch):** There had been no breach of a bridging finance agreement (and the lender's witnesses dishonestly asserted otherwise) and the default interest was an unenforceable penalty. Permission to appeal has been obtained by the Claimants in respect of consequential matters. Edward was led by Christopher Maynard.
- **Charles Hunt (Holdings) Ltd v 77-82 Bridle Close (Freehold) Ltd [2023] UKUT 32 (LC)**: The Upper Tribunal determined the premium payable on a collective enfranchisement claim by way of a rehearing. Only a nominal sum was payable for roof space development value and there was no value in the ability to sell Deeds of Variation permitting subletting.
- **English Rose Estates Ltd v Menon & Ors [2022] UKUT 347 (LC):** The procedure adopted by the FTT in permitting a new point to be raised at a late stage was procedurally fair, and the lease could not be corrected by construction to permit the landlord to recover insurance premiums as a service charge.
- **Adil Catering Ltd v City of Westminster Council [2022] UKUT 238 (LC):** The Upper Tribunal ruled on the meaning of the Regulations applicable to the management of an HMO, the threshold for the imposition of a financial penalty under those Regulations, the statutory defence of 'reasonable excuse', and the calculation of the penalty to be paid.
- **Invergarry Court Ltd v Connolly & Ors [2022] UKUT 209 (LC):** The FTT had given insufficient reasons for its decision to appoint a manager pursuant to s.24 of the Landlord and Tenant Act 1987. The

Upper Tribunal also addressed the lessees' complaints regarding mismanagement of service charges and unreasonable refusals of consent to assign.

- **UCP Plc v Nectrus Ltd [2022] EWCA Civ 949:** Led by Paul McGrath KC and with Andrew Legg, the Court of Appeal allowed a second application under CPR 52.30 to re-open a refusal of permission to appeal and granted permission to appeal on the question of reflective loss. The previous decision of Flaux LJ ([2021] EWCA Civ 57) was tainted by apparent bias.
- **Kensquare Ltd v Boakye [2021] EWCA Civ 1725:** The Court of Appeal held that time is likely to be of the essence with regards to interim service charge machinery, and also considered whether legal costs could be recovered as an administration charge or as a service charge. Edward was led by James Fieldsend in the Court of Appeal and acted as sole counsel at first instance and in the Upper Tribunal.
- **Church Commissioners for England v Beg LON/00AW/OLR/2020/0446:** In the first case under section 61A of LRHUDA 1993, the FTT considered the legislative framework and valuation principles that apply to a landlord's claim for compensation following an ineffective lease extension claim.
- **TBD (Owen Holland) Ltd v Simons & Ors [2020] EWCA Civ 1182:** Led by Andrew Butler KC, the Court of Appeal considered and gave guidance on search orders and 'imaging orders' (which concern the copying of digital materials).
- **UCP Plc v Nectrus Ltd [2019] EWHC 1732 (Comm); [2019] EWHC 3274 (Comm):** Led by Andrew Butler KC and with Andrew Legg, the High Court determined bifurcated questions on liability and quantum of loss arising out of an investment management agreement. The decisions address the interpretation of contracts, scope of duties, and reflective loss.
- **Wells v Devani [2019] UKSC 4**: Led by Andrew Butler KC, the Supreme Court ruled on the formation of oral contracts, certainty of contracts, and the effect and application of the Estate Agents Act 1979.

Publications

- **"Cheque-mate?" (with Fern Schofield) N.L.J 2023, 173 (8045), 9-10** – addresses the decision in *Richworth Ltd v Billingham [2023] EW Misc 8 (CC)* and the question of when tenancy deposits (and other sums) can be returned by cheque.
- **"Leaseholds: ground zero" (with Jessica Parry and James Fieldsend) P.L.J. 2022, 397, 40-49 –** an analysis of whether doubling ground rents for leasehold houses are unfair under the Unfair Terms in Consumer Contracts Regulations 1999 and the Consumer Rights Act 2015.
- "**Words Left Unsaid" E.G. 2022, 2211, 41** – a look at the decision in *Kensquare Ltd v Boakye [2021] EWCA 1725* and the issues that remain to be determined by future courts.
- Contributor to *Service Charges and Management,* 5th ed.

Published Comments

"Edward is super personable, really easy to deal with and communicative. He has a good way of explaining complex legal situations to lay clients, explaining and distilling them in a way that makes sense to them." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"He is just completely unflappable; nothing seems to phase him at all. Edward is very calm, collected, bright and knowledgeable on the subject matter." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Edward's advocacy strengths are his tenacity on key points, his excellent procedural knowledge, and his ability to think on his feet. He is very personable and sympathetic with clients and is prepared to give his frank opinion rather than sitting on the fence." *Legal 500 UK Bar Guide 2027*

"He is a skilled advocate, knowing when to push further on a particular point and when to hold back." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Edward's preparation and ability to pick up a matter at short notice was excellent, and his advocacy was strong." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Edward is very pragmatic and will consider the overall picture whilst dealing with the pressing issues." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"He has a depth of knowledge that belies his year of call." *Legal 500 UK Bar Guide 2026*

"Edward provides extremely clear legal advice with a strong commercial outlook. He always provides a steer on tactics and knows the best way to resolve the dispute." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Edward is a first-rate and unflappable advocate." *Legal 500 UK Bar Guide 2025*

"I was impressed by his vast legal and technical knowledge. He thoroughly considered the facts at hand and was able to create strong arguments."

"Edward has capability way beyond his year of call. He has a thorough and excellent level of legal knowledge and understanding." *Chambers and Partners UK Bar Guide 2024*

'Edward is extremely good at breaking down complex legal points for clients to understand. He is at all times succinct and down-to-earth which is greatly appreciated by our clients.' *Legal 500 UK Bar Guide 2024*

'Edward is calm, responsive and thoughtful in his advice. He is an excellent advocate with good attention to detail. ' *Legal 500 UK Bar Guide 2023*

'Ed is excellent; a star of the future. Unflappable, hard working, willing to get stuck in, clever and easy to work with.' *Legal 500 UK Bar Guide 2022*