Falcon Chambers

Jonathan Gaunt KC

Called 1972 Silk 1991



Practice Summary

Jonathan is an experienced property litigator whose practice encompasses all aspects of real property and landlord and tenant-related litigation and advice.

Jonathan has particular expertise in the following:

- Rent review
- Enforcement of covenants
- Break clauses and leasehold enfranchisement
- Rights of Light
- Mines and Minerals
- Easements (concerning which he is joint editor of the leading textbook, Gale)
- Restrictive covenants
- Specific performance of land contracts
- The interpretation of development agreements.

Recent years have seen him conducting a number of leasehold enfranchisement cases in the Court of Appeal and advising regularly on issues concerning mines and minerals (e.g. Coleman v. Ibstock Brick Ltd).

Education

- University College Oxford where he read classics (Mods and Greats)

Professional

- Called 1972, Lincoln's Inn (Mansfield Scholarship)
- Took Silk in 1991
- Bencher of Lincolns' Inn, Deputy High Court Judge

- Past Chairman of the Property Bar Association

Recent Cases

- **Co-op Bank v Hayes Freehold** [2016]EWHC 2068 (Ch) (Implied term in Deed of release of Guarantor)
- **Winterburn v Bennett** [2016] 2P&CR 11 (CA) (Right to park; prescription negatived by "vi")
- **Generator Developments v LIDL UK** [2016] EWHC 814 (Ch) (Pallant v Morgan equity; constructive trust).
- **Airport Industrial Nominees v Heathrow Airport Ltd** [2015] EWHC 3753 (Ch) – (Parking rights at Heathrow Airport)
- **Kingston upon Hull City Council v Superstadium Management Co Ltd LTL** 23/12/2015 – (Alterations to sports hall)
- **Parmar v Upton** [2015] EWCA Civ 795 – (Boundaries – Hedge and Ditch Presumption)
- **Safin (Fursecroft) v Badrig** [2015] – (Relief against Forfeiture)
- **West is West Distribution Ltd v Icon Film Distribution Ltd** [2015] EWHC 838 (Comm) – (Breach of film distribution agreement)
- **Davies v Davies** [2015] – (Proprietary Estoppel)
- **Regent Wealth v Wiggins** [2014] L&TR 29 (collective enfranchisement)
- **Wood & Anor v Waddington** [2014] EWHC 1358 (Ch)(rights of way, easements)
- **Dillard v F&C Commercial Property Holdings Ltd** [2014] EWHC 1219 (QB)(the meaning and effect of a deed intended to regulate disputes in relation a party wall, and the distinction between an appeal properly so-called and a challenge to an award made without jurisdiction)
- **Telford Homes (Creekside) Limited v Ampurius Nu Homes Holdings Limited** [2013] EWCA Civ 577 (CA)(Repudiatory Breach of Development Contract)
- **Kutchukian v Trustees of John Lyons Charity** [2013] 1 WLR 2842 (CA)(Enfranchisement of Flats)
- **Lancashire Insurance Co Limited v MS Frontier Reinsurance Limited** [2012] UKPC 42(Specific Performance – Rescission)
- **Lexgorge Limited v Howard de Walden Estates Limited** [2012] 1 WLR 2884 (SC) Meaning of "house" in LRA 1967)
- **Berrisford v Mexfield Housing Corporation Limited** [2011] 3 WLR 1091 (SC)(Uncertainty of Term of Lease)
- **Multiveste 226 BV v NI Summer Row Unitholder BV** [2011] EWHC 2026 (Ch)(Damages for Breach of a Development Contract)
- **Glentree Estates Ltd v Favermead Ltd** [2010] EWCA Civ 1473 (Estate Agents Commission)
- **London Tara Hotel Ltd v Kensington Close Hotel Ltd** [2012] 1 EGLR 33 (CA) (Ch) (Right of way)
- **Star Energy v Bocado SA** [2010] 3 WLR 654 (SC) (Damages for Trespass by underground oil extraction)
- **Fraser Islington Ltd v Hanover Trustee Co Ltd** [2010] EWHC 1514 (Ch) (Specific Performance)
- **Grosvenor Estate Belgravia v Klaasmeyer** [2010] UKUT 69 (LC) (Price for enfranchisement)
- **Bellway Homes Ltd v Beazer Homes Ltd** [2011] EWCA Civ 15 (Shareholders Agreement)
- **Akzo Nobel UK Ltd v Arista Tubes Ltd** [2010] EWCA Civ 28 (Break clause)
- **Van Dal Footwear Ltd v Ryman Ltd** [2010] 1 WLR 2018 (Damages for disrepair)
- **Gregory Prospects (Halifax) Ltd v Tenpin Ltd** [2009] EWHC 2639 (Ch) (Agreement for Lease)

- **Eastleigh BC v Town Quay Developments Ltd** [2009] EWCA Civ 1021 (Term implied that consent not to be unreasonably withheld)
- **Ackerman v Lay** [2008] EWCA Civ 1428 (Effect of notice under S.42 of LRH UDA 1993)
- **Sava v. SS Global Ltd** [2008] EWCA Civ 1308 (adverse possession)
- **Town Quay Developments Ltd v. Eastleigh B.C.** [2008] EWHC 1922 (Ch) (withholding consent)
- **Bocardo SA v. Star Energy UK Onshore Ltd** [2008] EWHC 546 (Ch) (damages for trespass by mining)
- **Coleman v. Ibstock Brick Ltd** [2008] EWCA Civ 73 (mines and minerals)
- **McDonalds Real Estate LLP v. Arundel Corpn.** [2008] EWHC 377 (Ch) (rent review)
- **Grosvenor Estate v. Regis Group** (Barclays) Ltd [2007] 3 EGLR 81 (enfranchisement price)
- **Kensington Heights v. Campden Hill Developments** [2007] Ch 318 (CA) (LTA 1987)
- **Cameron Ltd v. Rolls-Royce Plc** [2007] EWHC 546 (Ch) (Lease or Licence)
- **Ali v. Lane** [2007] 1 EGLR 71 (CA) (boundary dispute)
- **National Grid Gas Ltd v. Lafarge Aggregates** [2006] EWHC 2559 (Ch) (mining; compensation)
- **Redwell Investments Ltd v. 1-3 Cuba Street Ltd** [2005] EWCA Civ 1799 (conveyancing)

Publications

- He was one of the editors of the Landlord and Tenant Volume of Halsbury's Laws of England (Vol 27), having re-written the sections on repairing covenants, rent and rent review for the 1994 Re-Issue.
- Joint editor of the 19th Edition of Gale on Easements (2012).

Published Comments

"Jonathan is a class act, and his experience as a High Court judge is particularly useful when navigating the big calls." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Jonathan is the consummate gentleman. He's extremely polite and able to distil complicated arguments into a straightforward conversation; a delight to work with." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"He's very wise and provides sound advice." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"He's a true heavyweight. His advice on the most complex issues is clear and decisive." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"He grasped the key points in a timely and efficient manner and questioned key missing points. His advice was commercial, practical and understandable in layman's terms." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"He has an encyclopaedic knowledge of law." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Jonathan's advocacy was top-tier, with an approach that was at once both softly spoken and forceful and most importantly, played well with the judge." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Jonathan is a delight to work with." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Jonathan Gaunt KC regularly represents clients in matters concerning rights of access, rent review and enforcement of covenants. He enjoys acting in tricky cases where legal definitions are scrutinised. He is held in high esteem by his instructing solicitors." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Jonathan provides sound commercial advice throughout each case and makes himself very approachable and available to assist." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Jonathan is polite and genial in cross-examination, getting the witness to exactly where he wants them, at which point he zeroes in on the flaws or gaps in their testimony and exposes them." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"A very strong and authoritative presence." *Chambers and Partners UK Bar Guide 2024 (Real Estate Litigation)*

"Jonathan Gaunt is well regarded in covenant matters." *Chambers and Partners UK Guide 2023*

"Jonathan acts in important cases in the agricultural field." *Chambers and Partners UK Guide 2023*

Jonathan Gaunt QC regularly represents clients in matters concerning rights of access, rent review and enforcement of covenants. He enjoys acting in tricky cases where legal definitions are scrutinised. He is held in high esteem by his instructing solicitors. Strengths: "He is a very safe pair of hands and very experienced in court." "When dealing with clients, his advice is very clear and it is top-drawer." *Chambers and Partners UK Guide 2022 (Real Estate Litigation)*

Jonathan Gaunt QC is an experienced property advocate with a broad-based rural practice. His caseload covers such diverse topics as mineral rights, easements and landlord and tenant matters. Strengths: "He is outstanding at easements - he is a specialist on the subject." *Chamber UK Guide 2022 (Agriculture & Rural Affairs)*

Jonathan Gaunt QC is singled out as a "formidable opponent with an encyclopedic knowledge of property law". *Who's Who Legal UK Bar Report 2022*

Regularly represents clients in matters concerning enfranchisement, rent review and enforcement of covenants. He enjoys acting in tricky cases where legal definitions are scrutinised. He is held in high esteem by his instructing solicitors. Strengths: "He gives authoritative, clear advice on difficult issues, and he has an excellent command of his brief." "Takes a very clinical approach to legal aspects which are often complex." "He commands great authority and gets on well with clients, providing very clear advice and guidance." *Chambers and Partners UK Guide 2021 (Real Estate Litigation)*

An experienced property advocate with a broad-based rural practice. His caseload covers such diverse topics as mineral rights, easements and landlord and tenant matters. Strengths: "He has a reputation for being very good on historic issues that come up in the context of agricultural affairs." *Chambers and Partners Guide 2021 (Agriculture & Rural Affairs)*

Regularly represents clients in matters concerning enfranchisement, rent review and enforcement of covenants. He enjoys acting in tricky cases where legal definitions are scrutinised. He is held in high esteem by his instructing solicitors. Strengths: "He brings immense experience to the support he provides, offers authoritative, clear advice on difficult issues and has an excellent command of his brief." "A leader in the common law world on the creation and interpretation of easements *Chambers and Partners UK Guide 2020 (Real Estate Litigation)*

"very highly regarded" and described by peers as an "encyclopaedia" on real estate law. He has considerable experience in rent review, break clauses, and landlord and tenant issues. *Who's Who Legal UK Bar 2019 Guide*

"An experienced property advocate with a broad-based rural practice. His caseload covers such disparate topics as mineral rights, easements and landlord and tenant matters. Strengths: 'Immensely experienced and brings an air of calm authority to proceedings.' Recent work: Represented a husband and wife in a proprietary estoppel claim brought by their daughter. The case concerned a family farm." *Chambers UK Guide 2019 (Agriculture & Rural Affairs)*
"Regularly represents clients in matters concerning enfranchisement, rent review and enforcement of

covenants. He enjoys acting in tricky cases where legal definitions are scrutinised. Strengths: 'An authoritative and widely respected expert in a wide variety of property matters.' 'Has a great ability to simplify complex issues.' Recent work: Acted in Signature of St Albans v Wragg, a case considering the enforcement of restrictive covenants". *Chambers UK Guide 2019 (Real Estate Litigation)*

"An excellent barrister and very much a leader in his field." *Legal 500 UK Bar Guide 2018 (Property Litigation)*

"A real heavyweight in the market, prepared to get stuck into cases." *Legal 500 UK Bar Guide 2018 (Agriculture)*