



Falcon Chambers



Jonathan Gaunt QC

Called 1972 Silk 1991



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Practice Summary

Jonathan Gaunt has a wide practice in the field of property law which includes landlord and tenant topics, such as rent review, enforcement of covenants, break clauses and leasehold enfranchisement and real property areas such as easements (concerning which he is joint editor of the leading textbook, Gale), restrictive covenants, specific performance of land contracts and 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 negated 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 LRA 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. He is also the joint editor of the 19th Edition of Gale on Easements (2012)

Published Comments

"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 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)*

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

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

"Regularly represents clients in matters concerning enfranchisement, rent review and enforcement of covenants. Strengths: 'He's terribly good at writing opinions, is very quick at turning around papers and is ruthless in court.' 'He is obviously very knowledgeable: when it comes to easements he wrote the book.' Recent work: Acted for Generator Developments in a case against LIDL supermarket concerning whether a constructive trust was created following a failed joint venture for the acquisition of land for development." *Chambers UK Guide 2018 (Real Estate Litigation)*

"An experienced property advocate with a broad based rural practice. His expertise covers such disparate topics as mineral rights, easements and landlord and tenant matters. Strengths: 'A very effective advocate who is very knowledgeable on all aspects of property law.' Recent work: Acted in the long running estoppel case of Davies v Davies, which concerned a family farm." *Chambers UK Guide 2018 (Agriculture & Rural Affairs)*

"Very thorough, but also cuts to the chase". *Legal 500, 2017 (Property Litigation)*

"Very impressive – at the top of his game". *Legal 500, 2017 (Agriculture)*

"Regularly represents clients in matters concerning enfranchisement, rent review and enforcement of covenants. Strengths: 'He is a true heavyweight.' 'At trial, I felt completely in safe hands. It was almost like he didn't need to speak. He never made me feel stressed and he very much had the ear of the court.' Recent work: Acted in a case involving a boundary dispute between two neighbours which concerned the implications of the hedge and ditch rule." *Chambers UK Guide 2017 (Real Estate Litigation)*

"Highly regarded silk with a well-developed real property practice covering issues such as restrictive covenants and easements. He also regularly acts in disputes between landlords and tenants, and tackles rural property cases more generally. Strengths: 'He is a true heavyweight.' 'He has an absolutely fantastic grasp of the law, and is particularly good on rights of way and covenant issues.' Recent work: Acted for the defendants in the high-profile proprietary estoppel case of *Davies v Davies*." *Chambers UK Guide 2017 (Agriculture & Rural Affairs)*

"Jonathan Gaunt QC is 'an authority' with a wealth of experience handling landlord and tenant issues. Sources praise his 'encyclopaedic knowledge of the law' and his 'calm, measured approach'." *Who's Who Legal 2017*

"Extremely authoritative and one of the best silks around." *Legal 500, 2016*

"Boasts an all encompassing practice covering the full range of landlord and tenant issues, and is noted for his particular expertise in cases concerning easements. Strengths: 'He is highly knowledgeable and is able to give very clear guidance on law and tactics in complex cases.' 'The questions put to him are tough and searching, but he handles it with ease and provides advice that satisfies everyone in the room. He fosters a spirit of collegiality.' Recent work: Acted for the intermediate lessees in litigation arising due to the failure to register initial notice in a collective enfranchisement case". *Chambers UK Guide 2016 (Real Estate Litigation)*.

"Handles numerous cases concerning agricultural property as part of his well respected real estate practice. Contentious agricultural landlord and tenant matters are regularly undertaken and he tackles cases concerning rent reviews, enforcement of covenants and leasehold enfranchisement. He also advised on development agreements. Expertise: 'He is a very effective senior silk.' 'He is a true heavyweight'." *Chamber UK Guide 2016 (Agriculture & Rural Affairs)*.

"His advice is always understood by lay clients, who like his commercial approach." *Legal 500, 2015*.

"Recognised for his skill in handling leasehold enfranchisement disputes, as well as a wide range of other landlord and tenant matters. His knowledge and guidance are much sought after by a wide spectrum of clients. Expertise: 'He makes complex cases look effortlessly simple, and he really jumps off the fence.' 'He is extremely impressive on his feet, being both authoritative and calm.' Recent work: Acted in a major Supreme Court case concerning the definition of a 'house' under the Leasehold Reform Act 1967." *Chambers UK 2015 (Real Estate Litigation)*

"Handles contentious landlord and tenant cases, including many disputes in the agricultural sector. He is an expert on covenants, easements, rent reviews and land contracts and development agreements. Expertise: 'I generally regard him as one of the best silks I've seen; he's formidable.' 'He's a very senior and well-respected silk with a very good practice in this area.'" *Chambers UK 2015 (Agriculture & Rural Affairs)*

"One of the best property litigation barristers in the country." *The Legal 500 (2014)*

Jonathan Gaunt QC is a talented property law silk with particular expertise in leasehold enfranchisement and matters relating to mines and minerals. He is highly regarded for complex valuations work. Expertise: 'Forensically brilliant, he's very knowledgeable. Absolutely excellent as an advocate.' 'Outstanding in the Supreme Court. The leading light.' Recent work: He recently appeared in the Supreme Court in *Day v Hosebay*, a key case that redefined the meaning of 'house' under the Leasehold Reform Act 1967." *Chambers UK Guide 2014 (Real Estate Litigation)*

"Jonathan Gaunt QC has broad ranging experience in agricultural property matters, including

the enforcement of covenants, rent reviews, and issues connected with minerals and mines. Expertise: 'He's a great commercial lawyer, who is very good at dealing with agricultural matters'." *Chambers UK Guide 2014 (Agriculture & Rural Affairs)*

"Jonathan Gaunt QC has 'Supreme Court judges eating out of his hand'." *The Legal 500 (2013)*

"Jonathan Gaunt QC was instructed in London Tara Hotel v Kensington Close Hotel, one of the most important recent property cases concerning right of way issues. Sources attest that he 'combines being excellent in court with a fine academic pedigree', and further praise the clarity of his advice". *Chambers UK Guide 2013 (Real Estate Litigation)*

"The impressive, Jonathan Gaunt QC is deemed 'a great thinker who gives really good advice. He has a view you can rely on'. His practice covers a range of agriculture related matters, including tenancy and mineral disputes". *Chambers UK Guide 2013 (Agriculture & Rural Affairs)*

"The 'learned' Jonathan Gaunt QC is an 'impressive' performer, and recently acted in London Tara Hotel v Kensington Close Hotel". *The Legal (500 2012)*

"Jonathan Gaunt QC is 'a consummate gentleman' who is 'always quick to turn things around'. Someone who provides 'authoritative and sensible advice,' he recently acted in the Supreme Court case Star Energy v Bocardo, which concerned damages for trespass by underground oil extraction". *Chambers UK Guide 2012 (Real Estate Litigation)*

"Jonathan Gaunt QC is vaunted as a 'magisterial property barrister.' He handles a wide-ranging practice encompassing landlord and tenant issues, covenants and questions surrounding mineral rights on rural land". *Chambers UK Guide 2012 (Agriculture & Rural Affairs)*

"Jonathan Gaunt QC has 'one of the best brains in the business'". *Legal 500 2011.*

"Jonathan Gaunt QC impresses observers, acting recently on Eastleigh Borough Council v Town Quay Investments. he is 'consistently excellent, especially when it comes to highly complex valuation and land matters', and 'always maintains a steadfast eye on the client's commercial goal'. Gaunt is very popular". *Chambers UK Guide 2011 (Real Estate Litigation).*

"The 'extremely wise and able' Jonathan Gaunt QC is recommended. Gaunt handles a range of property matters, including rent reviews, enforcement of covenants and issues concerning mines and minerals". *Chambers UK Guide 2011 (Agriculture & Rural Affairs).*

"Jonathan Gaunt QC has a 'gentle charm with a razor-sharp intellect' ". *Legal 500 2010.*

"Sources judge Jonathan Gaunt QC to be a 'seasoned advocate who is both approachable and positive in his thinking'. A fine cross-examiner, he is 'especially good at exposing the vagaries of the opponent's case'. His skills were recently on display in Bocardo v Star Energy, a trespass case concerning mineral extraction." *Chambers and Partners 2010 (Real Estate Litigation).*

"Jonathan Gaunt QC is an all-round property practitioner who offers expertise in restrictive covenants, easements, rent review, landlord and tenant matters and conveyancing. Gaunt is "an extremely strong practitioner who has been making the complex look simple for a number of years now". An important case for him has been Coleman v Ibstock Brick Co, the first appellate case on testing whether a substance is a "mineral" since 1932 ". *Chambers and Partners 2010 (Agriculture Section).*

"Jonathan Gaunt QC's advocacy is always perfectly pitched" *Legal 500 2009.*

Revered as a "formidable opponent" in the courtroom, Jonathan Gaunt QC has undertaken a significant amount of enfranchisement work of late. He appeared in the case of Cooper Cameron Limited v. Rolls Royce plc, which determined that a licence to occupy premises pending the grant of a lease does not create a tenancy protected by the Landlord and Tenant Act 1954. Commentators state that he has a "serious mind" and demonstrates an "exceptionally warm manner with clients". *Chambers and Partners 2009 (Real Estate Litigation Section)*.

"As joint head of chambers Jonathan Gaunt QC provides solid leadership to the set and has a courtroom reputation as a "heavy hitter" who hugely impresses clients with his command of cases and his ability to convey very complex points to the lay client". *Chambers and Partners 2009 (Agriculture Section)*.

"Jonathan Gaunt QC is technically able and approachable". *Legal 500 2008*.

"Jonathan Gaunt QC a "thoroughly class act" who has appeared in over 70 cases in the Court of Appeal and is particularly skilled at landlord and tenant rent reviews." *Chambers and Partners Guide 2008 (Agriculture)*.

"A bright chap and effective cross-examiner", Jonathan Gaunt QC provides a "calm, considered approach that has the ear of the court". His workload includes a litany of easement cases as well as appellate work on leasehold enfranchisement and rent reviews, and he sat as judge on the recent Princes House case. He is also an editor of Gale on Easements". *Chambers and Partners Guide 2008 (Real Estate Litigation Section)*.

"The formidable Jonathan Gaunt QC is an eminent agriculture silk." *Legal 500 2007 (Agriculture Section)*.

"Jonathan Gaunt QC is "mercifully plain-speaking and deals with legal arguments in a measured way". His astute, commercial and authoritative approach is "unblemished by any trace of ego", suiting clients who prefer a clever, understated style." *Chambers and Partners Guide 2007 (Agriculture Section)*.

"Jonathan Gaunt QC enjoys a strong market reputation resulting from his "supreme intelligence and unshakeable attention to detail." *Chambers and Partners Guide 2007 (Real Estate Litigation Section)*.

"Jonathan Gaunt QC is one of the more eminent silks who is very popular with clients". *Legal 500 2006 (Agriculture Section)*.

"Held in high regard is the "calm and considered", Jonathan Gaunt QC." *Legal 500 2006 (Property Litigation)*.

"Jonathan Gaunt QC is also a property specialist, but has a particular interest in agriculture-related cases. Clients admire his "careful, analytical and thoroughly well prepared" approach and view him as a "calm and dependable" choice". *Chambers and Partners Guide 2006 (Agriculture Section)*

Jonathan Gaunt QC has "a powerful intellect" and is "very client-focused", Gaunt provides "clear and succinct advice in guiding a clear path through the forest of litigation". *Chambers and Partners Guide 2006 (Real Estate Section)*.

"Jonathan Gaunt QC is both capable on paper as well as on his feet in court". *Legal 500 2005 (Agriculture Section)*.

"Intellectual ability is Jonathan Gaunt QC's great strength. He is praised for being "calm but very thorough, with excellent attention to detail". *Legal 500 2005 (Property Litigation Section)*.

"Jonathan Gaunt QC's "careful, thoughtful approach" has made him a popular choice among solicitors." *Chambers and Partners Guide 2005 (Agriculture Section)*

"A brilliant advocate" with a "nice measured style," Jonathan Gaunt QC is also "good with clients both professional and lay" and deploys "meticulous attention to detail" *Chambers and Partners Guide 2005 (Real Estate Litigation Section)*

"Jonathan Gaunt QC is "relaxed but astute"" *Legal 500 2004 (Property Litigation Section)*

"Peers describe Jonathan Gaunt as intellectually excellent in an understated elegant way". *Chambers and Partners Guide 2003/2004 (Agriculture Section)*.

Jonathan Gaunt is immensely respected by the market. Commentators pay tribute to his great eye for detail and undivided attention to cases". *Chambers and Partners Guide 2003/2004 (Real Estate Litigation Section)*.

"Jonathan Gaunt provides prompt and efficient service and is intellectually first-rate. He acted for Pye in the Lord's case *Pye v Graham*". *Legal 500 2003*.

"Calm and effective Jonathan Gaunt won plaudits for his knowledge of landlord and tenant matters". *Chambers and Partners Guide 2002/2003 (Agriculture Section)*.

"Wonderfully calm and authoritative Jonathan Gaunt, who solicitors admire for his phenomenal ability to absorb the facts of the case". *Chambers and Partners Guide 2002/2003 (Property Litigation Section)*.

"Singled out for particular praise was the "thorough and measured" Jonathan Gaunt". *Legal 500 (2002)*.

"Respected Jonathan Gaunt happily marries practicality with an academic flair". *Chambers and Partners Guide 2001/2002 (Agriculture Section)*

"Jonathan Gaunt who has a matter-of-fact yet effective style provides excellent service and knows how to get what he wants" *Chambers and Partners Guide 2001/2002 (Property Litigation Section)*

"Clients also appreciate Jonathan Gaunt's calm, assured approach". *Legal 500 (2001)*

The quietly assured manner of Jonathan Gaunt and his silky delivery inspire confidence. *Chambers and Partners Guide 2000/2001 (Property Litigation Section)*

Jonathan Gaunt is respected for his measured approach *Legal 500 (2000)*

Jonathan Gaunt is admired for his calm and measured advice. *Legal 500 (1999)*

Recommended for being a silk who sees the problem from a commercial point of view *Chambers and Partners Guide 1999/2000*