



Mark Galtrey Called 2015

Practice Summary

Mark Galtrey specialises in real estate litigation, and is ranked in that field as 'Up and Coming' by Chambers and Partners and a 'Rising Star' by Legal 500. He has a busy High Court and County Court practice, with substantial experience of multi-day and high value trials. He also has a growing appellate practice, and appears both led and unled in the Court of Appeal. His scientific and accounting background gives him a particular expertise in matters involving complex financial and valuation issues.

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

- Commercial landlord and tenant, including renewals under the Landlord and Tenant Act 1954, dilapidations, breach of covenant, rent review and forfeiture;
- Residential landlord and Tenant, including rights of first refusal, possession proceedings, enfranchisement, service charge, right to manage, forfeiture and relief, alterations and nuisance;
- Fire Safety issues relating to both commercial and residential landlord and tenant matters;
- Easements, public rights of way, restrictive covenants and boundary disputes;
- Proprietary estoppel;
- Adverse Possession;
- Mortgages and receivership;
- Land Registration;
- Agriculture.
- Education

Before coming to the Bar, Mark obtained a first class degree in Natural Sciences from Selwyn College Cambridge, being placed top in the University in the Part II examinations. He went on to complete a PhD in the quantum physics of LEDs before joining the UK Civil Service in the Department for Business, Innovation and Skills. While there, he qualified as a Chartered Management Accountant, twice being placed in the top ten globally in examinations. In the Civil Service, Mark was responsible for valuing complex financial assets, and acted as lead financial negotiator with HM Treasury. He completed his GDL and BPTC at City Law School, being graded Outstanding and winning the prestigious Senior Moot competition.

Away from work, Mark is a semi-professional cellist and orchestral conductor.

- Professional

Mark was called to the Bar in 2015 by Lincoln's Inn, who awarded him the Lord Mansfield Scholarship, the Lord Brougham Scholarship, the Hardwicke Scholarship, and the Buchanan Prize.

Mark is a member of the Chancery Bar Association and the Property Bar Association.

- Recent Cases



TFS Stores Ltd v Designer Retail Outlet Centres (Mansfield) General Partner Ltd [2021] EWCA Civ 688, [2021] L.&T.R. 30, and [2020] EWCA Civ 833, [2020] 4 W.L.R. 99 (led by Joanne Wicks QC): Two important decisions of the Court of Appeal case, one on the proper process for contracting out of the Landlord and Tenant Act 1954, and the other on the proper procedure for counterclaims between landlords and tenants. The Supreme Court is currently considering an application for permission to appeal.

Safdar v GR Property Management [2020] EWCA Civ 1441, [2021] 1 W.L.R. 908: a second appeal on a point of general public importance concerning the validity of joint enfranchisement applications under section 90 of LRHUDA 1993.

Howard de Walden Estate Limited v Rackley: an enfranchisement case, which included the first decision on the impact of the Covid-19 pandemic on residential property values in Prime Central London. Permission granted to appeal to the Upper Tribunal.

Pile v Pile: a complex dispute arising out of the break-up of a family farming partnership. In 2021, a five-day High Court trial addressed serious allegations of harassment and high value claims for occupation rent because of exclusion from commercial and agricultural land. Satellite litigation to date has included an important judgment on the effect of Part 36 offers relating to claims that continue to accrue, an urgent injunction application, and an application for permission to appeal an arbitrator's award.

Dormer v Rued: A five-day High Court trial to resolve a multi-million pound dispute between partners in a house-building business spanning more than 20 years, to be followed in 2022 by a three-day High Court account.

Perrill v Madurapperuma: Following a four-day trial before a Recorder, obtained rescission of a deed of trust on the grounds of misrepresentation, damages for misappropriation of funds, and possession of two substantial residential properties.

Clare v Bank of Scotland: At two separate trials, successfully defended a bank from allegations of fraud and harassment, leading to an award of indemnity costs.

Holden v Richards: Obtained outright possession of agricultural land following three hearings and a trial raising issues of will construction, mental capacity, and option agreements.

- Publications

Transfer of tenancies and occupation orders under the Family Law Act 1996 and their interplay with housing and rent provisions – in the January 2022 issue of the Family Law Journal

Inessential ingredients in notices E.G. 2021, 2123, 48-49

Remote possibilities for the future? E.G. 2020, 2018, 34-36

Remedying fire risks under a service charge regime L. & T. Review 2020, 24(6), 233-238

Problems of jurisdiction in EU cross-border property disputes Fam. Law 2019, 49(Jun), 660-668

Communicating with the other side S.J. 2017, 161(32), 27, cited with approval in the latest edition of Hague on Leasehold Enfranchisement.

Illusory security: the perils of tenant insolvency L. & T. Review 2016, 20(6), 215-219



Published Comments

"Excellent junior counsel - very bright and he writes clearly and concisely."

"He always provides excellent service and great work."

"Mark is a very bright junior, with a hands-on approach." *Chambers and Partners UK Bar Guide 2024*

'Mark is an effective advocate who is always up for a challenge. He puts things in an easy to understand way, supported by solid written work. He is practical and academic in excellent combination.' *Legal 500 2024*

'He has very good legal knowledge, advocacy and advice.' *Chambers and Partners UK Guide 2023*

'Mark Galtrey punches well above his weight in terms of advice and tactical thinking. He is not afraid to provide realistic advice when required.' *Chambers and Partners UK Guide 2023*

'His preparation is of a very high calibre, and he is equally adept on his feet as in his written work.' *Chambers and Partners Guide 2023*

'Mark Galtrey is relied upon by clients for his property law advice. He has experience in Landlord and Tenant Act 1954 matters, including contested lease renewal cases, as well as enfranchisement and agricultural issues. He has a growing appellate practice. "He is very approachable, knowledgeable and reassuring with clients." "He is very bright, responsive and easy to work with.' *Chambers and Partners UK Guide 2022 (Real Estate Litigation)*

'Approachable, client friendly, excellent value for money, underestimated in terms of quality - someone who is going places. A definite one to watch. ' *Legal 500 2022*