



## Mark Galtrey Called 2015

### Practice Summary

Mark Galtrey specialises in real estate litigation, and is ranked in that field by both Legal 500 and Chambers and Partners. He has particular expertise in agricultural and commercial landlord & tenant disputes, partnership matters, and arbitration. His scientific and accounting background gives him an advantage in matters involving complex financial and valuation issues, including in the insolvency context.

Mark is consistently successful in complex and high value trials in the High Court and County Court, and regularly appears both led and unled in the Court of Appeal.

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

- Commercial landlord and tenant, including opposed and unopposed renewals, dilapidations, breach of covenant, and forfeiture
- Agriculture, including AHA tenancies and proprietary estoppel
- Partnership disputes, in agriculture, development and healthcare
- Arbitration, including challenging of awards and removal of arbitrators
- Mortgages and receivership, including injunctions to restrain sale
- Residential landlord and tenant, including enfranchisement service charges, fire safety, and nuisance
- Easements, including rights of way and rights of light
- Restrictive covenants, both leasehold and freehold
- Land registration, including adverse possession and boundary disputes
- Business rates, including the effect of Covid-19 regulations
  
- 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 notable cases

**Osler v Osler** [2024] EWCA Civ 516 [2024], 4 W.L.R. 44: A significant decision of the Court of Appeal on the test and procedure for appealing arbitration awards on points of law, arising out of a valuation dispute between agricultural partners.

**Sainsbury's Supermarkets Ltd v Medley Assets Ltd** (2024): Mark's novel arguments about the proper test for the extent of the tenant's holding under the Landlord and Tenant Act 1954, and his cross-examination that led to the landlord's factual and expert evidence being rejected as unreliable, helped Sainsbury's secure a new tenancy of their Kentish Town Road store. The case attracted considerable interest in the legal and industry press.

**Limbrick v Limbrick** [2023] EWHC 1959 (Ch) (ongoing): A dispute between father and son, in partnership together at a valuable tenant farm in the Cotswolds, which included a proprietary estoppel claim, and an application for succession to an AHA tenancy. Appearing unled against specialist silks, Mark was successful at all three High Court hearings, including resisting the removal of an arbitrator for actual bias, and at arbitration, including defeating the proprietary estoppel claim. The case attracted significant coverage in the national press.

**Dormer v Rued** [2023] EWHC 3118 (Ch) (ongoing): High Court litigation to resolve a multi-million pound partnership dispute relating to a house-building business spanning more than 20 years, including a five day trial and a three day account.

**Alma Property Management Ltd v Crompton** [2023] EWCA Civ 849, and [2022] EWHC 2671 (Ch) (led by Adam Rosenthal KC): A complex dispute about the powers and duties of receivers appointed over a mixed use building in Manchester. Mark was part of the successful team in both the High Court and the Court of Appeal.

**Alnajjar v Majeed** (led by Adam Baradon KC): Extensive High Court litigation, involving the alleged sale at an undervalue of partnership properties subject to a freezing order, as well as claims by administrators and allegations of sham.

**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 KC): Two important decisions of the Court of Appeal, on the proper process for contracting out of the Landlord and Tenant Act 1954, and the proper procedure for counterclaims between landlords and tenants.

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

**Pile v Pile**: A complex dispute arising out of the break-up of a family farming partnership. At a five-day High Court trial, Mark successfully rebutted serious allegations of harassment, and also dealt with high value claims for occupation rent because of exclusion from commercial and agricultural land. Satellite litigation included an important judgment on the effect of Part 36 offers relating to claims that continue to accrue, and an application for permission to appeal an arbitrator's award.

**Howard de Walden Estate Limited v Rackley**: An enfranchisement case, the first decision on the impact of the Covid-19 pandemic on residential property values in Prime Central London.



**Perrill v Madurapperuma:** Following a four-day trial Mark 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, Mark successfully defended a bank from allegations of fraud and harassment, leading to an award of indemnity costs.

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

- Publications

**Contracting out of security under Part 2 of the Landlord and Tenant Act 1954** - L. & T. Review 2022, 26(5), 172-178 and 26(6), 233-236

**Transfer of tenancies and occupation orders under the Family Law Act 1996 and their interplay with housing and rent provisions** Fam. Law 2022, 52(Jan), 103-107

**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

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"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*