



Falcon Chambers



Mark Sefton QC

Called 1996 Silk 2018



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Practice Summary

Before taking silk in 2018, Mark Sefton was for many years ranked in the top band of juniors for Real Estate Litigation by Chambers and Partners and the Legal 500, and in 2012 he was the Real Estate Junior of the Year at the Chambers and Partners Bar Awards.

In recent years, he has been instructed in the Supreme Court in Marks & Spencer; on a rent review arbitration in Hong Kong about a logistics facility in the Kwai Chung container port; in the Ram Brewery litigation, the Dolphin Square collective enfranchisement claim, the Accolade Wines litigation and the Humber Oil litigation; and in both the House of Lords and the Supreme Court on appeals under the Leasehold Reform Act 1967, together with many other substantial disputes.

Mark practises in all areas of commercial and residential landlord and tenant and property law, including property-related insolvency. He has particular expertise in cases involving complex issues of valuation.

- Education
 - Trinity College, Cambridge: MA in English (1994)
 - City University: Diploma in Law
 - Inns of Court School of Law: Bar Vocational Course
- Professional
 - Called, 1996 by Middle Temple
 - Diplock Scholarship
 - Winning Pair, Middle Temple Mooting Competition 1996
 - Real Estate Junior of the Year, Chambers and Partners Bar Awards 2012

o Silk - 2018

• [Recent Cases](#)

Hicks v 89 Holland Park (Management) [2019] EWHC 1301 (Ch) (Whether a property owner had acted unreasonably in refusing consent for a development on an adjoining site).

Royal Brompton & Harefield Hospitals Charity v. Roupell & Anor [2018] EWHC 1873 (Ch) (Crown immunity, National Health Service Act 1946, Rent Act 1977).

Goldman Sachs International v. Procession House Trustee Ltd & Anor [2018] EWHC 1523 (Ch) (break options, construction).

Aspers UK Holdings Ltd v. Mofiv Swansea (GP) Ltd & Anor [2017] EWHC 1855 (Ch) (guarantees, releases).

The Co-operative Bank plc v. Hayes Freehold Ltd & Ors [2017] EWHC 1820 (Ch), [2016] EWHC 2068 (Ch) (surrender, implied conditions precedent, mistake, restitution).

John Lyon's Charity v. London Sephardi Trust [2017] EWCA Civ 846, [2017] RVR 295, [2017] HLR 36 (leasehold enfranchisement, Interpretation Act 1978).

Minerva (Wandsworth) Ltd v. Greenland Ram (London) Ltd [2017] EWHC 1457 (Ch) (development agreements, overage, viability appraisals).

Marks & Spencer plc v. BNP Paribas Securities Services Trust Co (Jersey) Ltd & Anor (Supreme Court) [2016] AC 742, [2015] UKSC 72, [2015] 3 WLR 1843, [2016] 4 All ER 441, 163 Con LR 1, [2016] 1 P&CR 13, [2016] L&TR 8, [2016] CILL 3779, Times, 12 December 2015 (contracts, implied terms, apportionment).

Queensbridge Investments Ltd v. Lodge & Ors [2015] UKUT 635 (LC), [2016] L&TR 19 (management orders)

British Overseas Bank Nominees Ltd v. Analytical Properties Ltd [2015] EWCA Civ 43, [2015] PLSCS 38 (construction of contracts).

Saturn Leisure Ltd v. LB Havering [2014] EWHC 3717 (Ch), [2014] PLSCS 321, [2014] All ER (D) 167 (misrepresentation).

Westbrook Dolphin Square Ltd v. Friends Life Ltd [2014] EWHC 2433 (Ch), [2014] L&TR 28 (collective enfranchisement).

Hicks v. 89 Holland Park (Management) Ltd [2014] EWHC 2962 (Ch), [2014] PLSCS 252 (injunctions).

Venum Property Investments Ltd v. Space Architecture Ltd [2013] EWHC 3948 (TCC), [2014] BLR 127 (professional negligence).

Baroque Investments Ltd v. Heis [2012] EWHC 2886 (Ch), [2012] PLSCS 213 (insolvency, surrender and dilapidations).

Day v. Hosebay Ltd; Howard de Walden Estates Ltd v. Lexgorge Ltd (Supreme Court) [2012] UKSC 41, [2012] 1 WLR 2884, [2012] 43 EG 116, Times 26 October 2012 (leasehold reform).

Humber Oil Terminals Trustee Ltd v Associated British Ports [2012] EWHC 1336 (Ch) (Sales J); [2012] EWCA Civ 596, [2012] 2 EGLR 59 (Court of Appeal); [2011] EWHC 2043 (Ch), [2011]

L&TR 27, [2012] 1 P&CR DG1 (Vos J); [2011] EWHC 1184 (Ch) (Morgan J) (lease renewal and valuation of an oil terminal).

Frasers Islington Ltd v. Hanover Trustee Co Ltd [2010] EWHC 1514 (Ch); [2010] 27 EG 85; [2010] 2 P&CR DG20 (specific performance).

Nailrile Ltd v Earl Cadogan [2009] 2 EGLR 151; [2009] RVR 95; [2009] PLSCS 31 (valuation of intermediate leases).

Cameron Ltd v Rolls-Royce plc [2008] L&TR 22; [2008] PLSCS 53 (specific performance).

Boss Holdings Ltd v Grosvenor West End Properties (House of Lords) [2008] UKHL 5; [2008] 1 WLR 289; [2008] 2 All ER 759; [2008] HLR 29; [2008] L&TR 10; [2008] 1 EGLR 51; Times, 4 February 2008 (leasehold reform).

Mohammadzadeh v Joseph [2008] 1 P&CR 6 (restrictive covenants).

Creditforce Ltd v Lay [2008] PLSCS 25 (leasehold reform).

Marine Court (St Leonards on Sea) Freeholders Ltd v Rother District Investments Ltd [2008] 1 EGLR 39 (collective enfranchisement).

Chelsea Properties Ltd v Earl Cadogan [2007] PLSCS 197 (jurisdiction).

JD Wetherspoon plc v Jay Mar Estates [2007] BLR 285; 113 Con LR 101 (arbitration appeal).

Peaceform Ltd v Cussens & Ors [2006] 3 EGLR 67 (options).

Kensington Heights Commercial Co Ltd v Campden Hill Developments Ltd [2007] Ch 318; [2007] 2 WLR 1040; [2007] 2 All ER 751; [2007] L&TR 30; [2007] HLR 35; [2007] 1 EGLR 130; Times, 20 April 2007 (statutory rights of first refusal).

- [Publications](#)

- Mark lectures and writes regularly.
- Delivered a Blundell Memorial Lecture in 2014
- Conducted workshops for the Chancery Bar Association and the Property Litigation Association; and has been invited to speak at both the Arbrix and Index conferences.
- Published articles on a variety of topics (including on the Ramsay principle of statutory construction; shared ownership leases; the Pointe Gourde valuation principle; deferment rates; insolvency; and rent apportionment).
- Used to be a contributor to Fisher & Lightwood's Law of Mortgage, and was a joint author of Commonhold (OUP, 2004).

Published Comments

A skilled advocate whose practice concentrates on property-related insolvency, as well as commercial and residential landlord and tenant disputes. He excels in complex issues of valuation. Strengths: "He is practical and commercial and has a very good rapport with clients." "Really responsive and completely on it. He will always give a really realistic timeframe and stick to it." "A very good trial advocate and one of the best in valuation work." *Chambers and Partners UK Guide 2020 (Real Estate Litigation)*

"Highly rated for both commercial and residential landlord and tenant matters." *Legal 500 2020*

Mark Sefton QC is a key name in the field of real estate law who is well known for his adept handling of insolvency-related property issues, as well as landlord and tenant matters. *Who's Who Legal UK Bar 2019 Guide*

"A skilled advocate whose practice concentrates on property-related insolvency, as well as commercial and residential landlord and tenant disputes. He excels in complex issues of valuation. Strengths: 'His advice is always down-to-earth, sensibly reasoned and practical.' 'A barrister of quality and intellect.' 'He has excellent judgement.' Recent work: Acted for the successful claimant in *Minerva v Greenland Ram*, a three-week trial in the Chancery Division concerning overage on the Ram Brewery development site in Wandsworth." *Chambers UK Guide 2019 (Real Estate Litigation)*

"He provides excellent advice in a thoroughly understandable and practical way." *Legal 500 2018 (Property Litigation)*

"Widely acknowledged as one of the leading juniors in his field. His practice has a focus on property-related insolvency, as well as commercial and residential landlord and tenant disputes. Strengths: 'Razor sharp and always commercial, his 1954 Act expertise is second to none.' 'He is very bright and can digest very complex points and look at how things are going to play out'." *Chambers UK Guide 2018 (Real Estate Litigation)*

"He is bright and determined, and displays great clarity of vision." *Legal 500 (2017)*

"Widely acknowledged as one of the leading juniors in his field. His practice has a focus on property-related insolvency, as well as commercial and residential landlord and tenant disputes. Strengths: 'Hugely brainy – he's very insightful.' 'A major strength is his approachability – he is always happy to assist with even obscure queries. His advice is always down to earth, sensibly reasoned and practical.' Recent work: Advised clients on a recovery dispute concerning a £21 million development site in Romford." *Chambers UK Guide 2017 (Real Estate Litigation)*

"Mark Sefton is considered "one of the pre-eminent juniors at the bar" and 'a delight to deal with in court'. According to a source, 'Sefton is calm, collected and able to tackle whatever is thrown at him'." *Who's Who Legal 2017*

"Very easy to work with and fantastically bright. He is a rising – if not risen – star." *Legal 500, 2016*

"Handles a number of major cases across the field, particularly those featuring company valuation issues. He advises on both domestic and international work. Strengths: 'He is very good at advisory work due to his manner with clients. You know he will not let you down.' 'He is very good, pragmatic, clear and concise, in addition to being very responsive'. Recent work: Involved in a contractual dispute surrounding the £105 million acquisition of a Windsor based shopping centre". *Chambers UK (2016)*

"An experienced and talented practitioner, who practises in all areas of residential and commercial property law. He also acts for clients in leasehold enfranchisement, insolvency and professional negligence disputes. Expertise: 'His advice is always down to earth, sensible, reasonable and practical.' 'He is very good, and very easy to get on with.' Recent work: Acted for Humber Oil Trustees on a number of significant interim rent applications." *Chambers UK (2015)*

"He is able to absorb, process and analyse huge amounts of detail very quickly". *The Legal 500 (2015)*

"Singularly impressive; a rising star." *The Legal 500 (2014)*

"Mark Sefton Heralded as a future star of the real estate arena, and has expertise ranging from general landlord and tenant work to leasehold enfranchisement. Expertise: 'Exceptionally clever and extremely cool, calm and collected. He inspires confidence and always gets the right result'. 'Mark is a rising star in the property world. A major strength is his approachability – he is always happy to assist with even obscure queries. His advice is always down to earth, sensibly reasoned and practical'. Recent work: He acted in the key case Humber Oil Terminal Trustees v Associated British Courts regarding interim rent applications, and for the London Borough of Havering in its claim for recovery of a multimillion pound development site." *Chambers and Partners (2014)*

"Recommended juniors include the 'quietly incisive and forensic' Mark Sefton; who is 'a leading property junior'" *The Legal 500 (2013)*

"... Mark Sefton handles commercial and residential landlord and tenant law and property-related professional negligence and insolvency matters. Sources suggest that he is 'very clever and very charming,' and aver that he is 'rapidly becoming one of the leading go-to senior juniors.'" *Chambers and Partners (2013)*

"... the 'exceptionally bright' Mark Sefton ..." *The Legal 500 (2012)*

"Mark Sefton 'has a very calm, gentle but clear manner which you can see makes the court trust him immediately.' His recent highlights have included acting for landlords on issues arising out of the Regent Inns and Old Orleans group pre-pack administration. 'Fiercely bright,' this 'tenacious fighter' offers the 'perfect balance of the intellectual and the commercial' to his clients." *Chambers UK (2012)*

"Mark Sefton is 'is calm, methodical and brilliantly persuasive' ". *Legal 500 (2011)*

"Mark Sefton appeared for the Cadogan Estate in the Lands Tribunal appeal concerning the valuation of intermediate leasehold interests. Sources say he is 'a hugely talented practitioner who is great at getting his point across'." *Chambers UK (2011)*

"Mark Sefton is 'very clever, commercial and client focused' " *The Legal 500 (2010)*

"Mark Sefton's abiding qualities are his 'robustness and willingness to challenge ideas'. 'Fair and tactful, he brings a great sense of humour to proceedings' and can be seen in disputes of the greatest moment. Recently, he was a junior in the House of Lords case Boss Holdings v Grosvenor West End Properties". *Chambers and Partners (2010)*

"Mark Sefton is praised for 'his tenacious approach'" *The Legal 500 (2009)*

"He is highly rated alongside the totally unflappable, Mark Sefton: a purveyor of refreshingly commercial advice, Sefton has been involved of late in the rent review of the Lazard headquarters building in the West End of London, one of the largest commercial rent reviews of the last few years". *Chambers & Partners (2009)*

"Other rising juniors are the 'unflappable' Mark Sefton, whose 'refreshingly commercial advice' is welcomed by clients" *The Legal 500 (2008)*

"'The clear advice' of Mark Sefton marks him out for especial praise from instructing solicitors and clients. 'He excels in delivering counsel and advocacy relating to residential and enfranchisement cases'." *Chambers and Partners (2008)*

"Notable juniors include Mark Sefton a nice guy who fights a good fight who is very good, and rightly ambitious and direct and charming in equal measure." *The Legal 500 (2007)*

"Residential property litigation is a particular feather in the cap of the 'incredibly able and user-friendly' Mark Sefton. He attracted market support for his focused approach to complex cases". *Chambers and Partners (2007)*

Recommended as a Leading Junior *The Legal 500 (2006) Property Litigation Section*

"Another to strike the right note was Mark Sefton. A charming opponent, he handles complex briefs well and is particularly clued-up on residential law. He is very comfortable with complex cases". *Chambers and Partners (2006)*

"Mark Sefton is said to be very effective on the residential side, with further comment that he obviously knows his law inside out and he's very persuasive on technical arguments." *Chambers and Partners (2005)*