



## Richard Miller Called 2021

### Practice Summary

Richard is a property specialist and accepts instructions in the areas of landlord and tenant, real property, and related professional negligence. He regularly appears in the County Court and First-Tier Tribunal and has also appeared in the High Court, the Upper Tribunal, and the Court of Appeal.

His recent cases have involved:

- Residential landlord and tenant disputes, including possession claims, service charges and management, and enfranchisement
- Commercial landlord and tenant disputes, including forfeiture and Landlord and Tenant Act 1954 renewals
- Mortgages and receivership
- Real property, easements, and restrictive covenants
- Boundary disputes, adverse possession, nuisance, and trespass
- Trusts of land and orders for sale
- The Building Safety Act 2022
- The Housing Health and Safety Rating System and enforcement appeals
- Agriculture

Richard comes from a family of keen anglers and has a niche interest in riparian rights disputes.

- Education
  - MA History, Christ's College, University of Cambridge – Double First Class
  - MPhil Early Modern History, Christ's College, University of Cambridge – Distinction
  - Graduate Diploma in Law, University of Law – Distinction
- Professional
  - Bar Professional Training Course, University of Law – Outstanding
  - Buchanan Prize, Lincoln's Inn
  - Lord Denning Scholarship, Lincoln's Inn
  - Member of the Property Bar Association and the Chancery Bar Association
- Recent Cases
  - *Taylor v Spriggs & Jones* [2024] EWCA Civ 170– Court of Appeal case concerning the extent of damages in tort where damage is caused to property with pre-existing defects. Acted for the successful Appellant, led by Nicholas Isaac KC
  - *Cheung v Mackenzie* [2024] EWCA Civ 13– Court of Appeal case concerning the construction of a conveyance which the High Court considered allowed the original vendor to modify or discharge restrictive covenants. Acted for the successful Respondent, led by Carl Fain
  - *Manaqel Company Ltd v London Borough of Lambeth* LON/00AY/HIN/2021/0021 – First-Tier Tribunal appeal against an improvement notice on the basis that the contents were fundamentally flawed and inconsistent with Housing Health and Safety Rating System calculations. Acted for the successful Appellant, led by Nicholas Isaac KC
  - *Healey v Fraine* [2023] EWCA Civ 549 – Court of Appeal decision on the meaning of adverse



- possession under the Land Registration Act 2002. Acted for the successful Respondent, led by Michael Walsh
- *Assethold Ltd v Adam* [2022] UKUT 282 (LC) – Upper Tribunal decision on reasonableness of service charges incurred pursuant to a flawed expert report. Acted for the successful Appellant, led by Mark Loveday
- Publications
  - Contributor to Building Safety Act 2022 in Practice: A Guide for Property Lawyers
  - Failure to serve claim notice on intermediate landlord with no management functions does not defeat right to manage L. & T. Review 2023, 27(4), 157-158
  - Anatomy of a First-tier Tribunal decision: concessions, reasons, and "knowledge and experience" L. & T. Review 2023, 27(4), 159-161
  - Managing expectations: Upper Tribunal refuses to discharge misleading manager (*Orchard v Mooney & Orkin* [2023] UKUT 78 (LC)), Practical Law Property Litigation Column, 15 May 2023
  - Unlawful Eviction: Third Party Liability (*Brem v Murray* [2022] EWHC 1479 (QB)) L. & T. Review 2022, 26(6), 250-25

### Published Comments

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"He is wise beyond his years. His advocacy is well presented, structured and he is able to command the attention of all in the room." *Legal 500 UK Bar Guide 2025 - Rising Star*