



Falcon Chambers



Stephanie Tozer QC

Called 1996 Silk 2019



Falcon Chambers

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Practice Summary

Stephanie has for several years been ranked in the top band for property litigation juniors by the Legal 500, Chambers and Partners and Who's Who Legal. She is regarded by the market as a "robust advocate", who "provides quality advice" and is "extremely bright" and "very easy to work with". She has appeared in Courts at all levels, from the House of Lords to the County Court, and in both the First Tier and Upper Tribunals.

Stephanie litigates a wide range of property-related disputes, including all aspects of commercial and residential landlord and tenant work (including in particular dilapidations cases) and property-related professional negligence claims. She is known for getting up to speed on unfamiliar areas quickly: as a result, she has advised about the law relating to allotments, markets and compulsory purchase compensation. She has particular expertise in the following areas:

- Real property / development/ land registration: construction/rectification of documents of all types, including leases, charges, overage provisions and sale contracts; valuation issues; specific performance; site boundary issues; adverse possession; easements; restrictive covenants; beneficial interests and proprietary estoppel; priorities/title problems and alteration of the register. Stephanie sits as a part time Judge of the First Tier Tribunal (Property Chamber) (Land Registration), where she determines cases raising some of these issues. She is not precluded from accepting briefs to appear in the FTT, or appeals from the FTT.
- Telecoms: Stephanie appeared in several of the important recent cases under the Old Code, including *Crest Nicholson v Arqiva* [2015] (service of a paragraph 21 notice during the fixed term) and *Vodafone v Brophy* [2017] (consideration payable when rights granted by the Court). She has a good

understanding of the New Code, having contributed to a book on the topic and given a number of lectures on it. She has also been involved in some of the first cases under the New Code, including a case of temporary rights and cases in which the interface between County Court renewal proceedings and applications to the Upper Tribunal for fresh rights have been considered. Stephanie generally acts for operators.

- Mortgage and fixed charge receivership: Stephanie has litigated mortgage shortfall claims (including *West Bromwich v Wilkinson* [2005]), claims arising from mortgage or conveyancing fraud and claims brought by receivers. She is a co-author of a new, detailed text on Mortgage Receivership Law and Practice.

She has a wide range of clients, ranging from private individuals to multinational corporations, and is experienced in dealing with high value complex claims.

- Education

- MA (Oxon) - Jurisprudence (BA First Class)
- ICSL - Outstanding (3rd overall)
- French - Diplome de Francais des Affaires 2eme degree (DFA2) avec Mention Tres Bien (2008) (Diploma in Advanced Business French with Distinction)

- Professional

- Called 1996 Lincoln's Inn
- Judge of the First Tier Tribunal (Property Chamber) (Land Registration)
- CEDR Accredited Mediator
- Chancery Bar Association (former committee member)
- Property Bar Association
- Nominated for Real Estate Junior of the Year by Chambers and Partners in 2010

- Recent Cases

These are some of Stephanie's cases which have reached a contested hearing:

- **CDS Superstores v Place Road Properties** (2018) - a rare case in which the Court was persuaded to rectify a long lease on the grounds of both common mistake and unilateral mistake, due to the way in which the defendant's solicitor had interacted with his opponent prior to completion.
- **Lowe v William Davis** (2018) – Upper Tribunal resolved controversy over the scope of the FTT's jurisdiction in boundary disputes
- **Rashid v Rashid** (2017) – Upper Tribunal considered the scope of the rule in *Parshall v Hackney*, and the *ex turpi causa* defence in the context of a claim to adverse possession by a claimant who had been involved in a fraud
- **Vodafone v Brophy** (2017) – County Court – Court determined consideration payable for rights under paragraph 5 of the Electronic Communications Code
- **Ittihadih v Metcalfe** (2017) – Ch D Master – important case on practice relating to charging orders: consideration of what information needs to be disclosed and the consequences if it is not
- **Mendoza v Quinn** [2016] – High Court – successfully resisted an application for a stay of enforcement of a possession order relating to a nightclub, on the basis that there was no real prospect of its appeal against a decision to lift a stay for breach of conditions succeeding.
- **Lowe v William Davis** [2016] – FTT (Property Chamber)(Land Registration) – successfully persuaded the Judge to determine the location of the boundary on a determined boundary application, despite the plan being inaccurate.
- **Ittihadih v Metcalfe** [2016] – High Court – application for pre-action disclosure in conspiracy claim
- **Unique v Quinn** [2015] – Court of Appeal – acted on behalf of pubco in successfully resisting an application for permission to appeal
- **Crest Nicholson v Arqiva** [2015] - Cambridge CC – successfully argued that a notice cannot

be served under paragraph 21 of the Telecommunications Code during the contractual term of a tenancy. Leading case on the interpretation of paragraph 21.

- **Rathlin Energy (UK) Ltd v Persons Unknown** [2014] – High Court - Stephanie obtained summary orders for possession against protestors occupying well sites used for oil and gas exploration (in face of the protestors' claims that such an order would infringe their human rights)
- **Patley Wood Farm LLP v Brake** [2013] EWHC 4035 – High Court decision as to the correct test to be applied when the Court is asked to enforce a peremptory order made by an arbitrator
- **Parshall v Bryans** [2013] EWCA Civ 240 - Court of Appeal – case raising important issues about adverse possession, and land registration.
- **Bower Terrace Student Accommodation Ltd v Space Student Living** [2012] – High Court - receivers appointed by land-owner's chargee seeking an interim injunction against student housing operator for possession
- **Unique Pub Properties v Fitzpatrick** [2012] – High Court - acting for pubco in seeking (and obtaining) an order for committal against its tenant who had breached an undertaking not to continue buying out of tie
- **Estafnous v London & Leeds** [2009] – High Court - a claim for estate agent's commission.
- **Clarke v Murphy & others** [2009] – Lands Tribunal - an application to modify restrictive covenants where a building scheme existed.
- **Crown Estate Commissioners v Mark Roberts & Trelleck Estate** [2008] – High Court - a claim to manorial rights.
- **Parkside Limited v Jackson and Ors** [2008] – High Court - a substantial claim for professional negligence against conveyancing solicitors.
- **In re Estate of K, deceased** [2007] – High Court - whether a retention was required in respect of potential claims against a deceased's estate.
- **St Paul's Travellers Insurance Co v Okporuah and others** [2006] – High Court - a mortgage fraud case, where the borrower's uncle had acted as conveyancing solicitor and had taken the money.
- **Donnelly and others v Weybridge Construction Ltd and Brohoon and others** [2006] – a TCC claim involving a residential development carried out by a joint venture, whose partners had subsequently fallen out, and where the purchasers were claiming to rescind their contracts because of discrepancies between the way the flats were described and the way they had been built.
- **Kamal v Redcliffe Close (Old Brompton Road) Management Ltd** [2006] – High Court – the appropriate test on an application to set aside judgment.
- **West Bromwich Building Society v Wilkinson & Anor** [2005] – House of Lords - the leading case on the limitation period for mortgage shortfall claims.
- **West Bromwich Building Society v Crammer** [2002] – High Court - appropriation of mortgage payments as between capital and interest.
- **Barclays Bank v Bee** [2001] – Court of Appeal – validity of notices served under the Landlord and Tenant Act 1954

- [Publications](#)

Books

Mortgage Receivership Law and Practice by Stephanie Tozer and Cecily Crampin

The Electronic Communications Code and Property Law Practice and Procedure (contributing author)

Charging Orders: Law and Practice (contributing author)

Articles

2018

A new line of attack? A master class in litigation under the new Electronic Communications Code (NLJ), with Toby Boncey

2017

Charging Orders on Land: Recent Practice Points (Solicitors Journal), with James Tipler

2016

Compensation under temporary possession provisions (JPL), with Jonathan Karas QC and Barry Denyer-Green: considers how temporary possession should be compensated for under compulsory purchase provisions

2015

"Reasonable belief" in adverse possession (EG), with Kester Lees: considers Schedule 6 of the Land Registration Act 2002

Licence to assign: some practical tips (IHL), with Ciara Fairley

Earlier articles:

Renewing a business lease: a step-by-step practical guide (IHL, 2013) with Joe Ollech

Making the break (NLJ, 2010) with Nathaniel Duckworth: break clauses

Put to rights (NLJ, 2009) with Nathaniel Duckworth: easements

A safe space for tough negotiators? (EG, 2008): mediation

On borrowed time (Legal Week, 2005): mortgage shortfall claims

Published Comments

"Handles a plethora of property-related disputes, and is recognised for her skill in handling residential and commercial landlord and tenant disputes. Her clients include multiple multinational corporations. Strengths: 'She has meticulous attention to detail and is very responsive.' 'She always takes care to give careful consideration to all angles of a case.' 'Hard working and efficient. Provides quality advice, excellent paperwork and is very easy to work with.' Recent work: Acted for Vodafone in an Electronic Communications Code case concerning the compensation to be paid to the defendant in respect of the company's infrastructure situated on her land." *Chambers UK Guide 2019 (Real Estate Litigation)*

"Gets stuck into the detail straightaway and gives sound advice." *Legal 500 2018*

"Handles a plethora of property-related disputes, and is recognised for her skill in handling residential and commercial landlord and tenant disputes. Strengths: 'She's incredibly bright, has a fantastic eye for detail and can grasp huge amounts of information very quickly.' 'Crystal clear in her knowledge of the law she applies it to a situation and thinks outside of the box.' Recent

work: Acted for GLA in a case relating to an area of land which was key to the substantial regeneration of the Greenwich Peninsula." *Chambers UK Guide 2018 (Real Estate Litigation)*

"She is energetic and pays total attention to detail." *Legal 500 2017*

"Handles a plethora of property-related disputes, and is recognised for her skill in handling residential and commercial landlord and tenant disputes. Strengths: 'Extremely bright and as thorough in her preparation of her cases as anyone we have worked with.' 'She has an incisive mind and is a robust advocate.'" "Hard-working and efficient, she provides quality advice and excellent paperwork and is very easy to work with.' Recent work: Settled a £40 million claim for compensation against TfL concerning Farringdon station." *Chambers UK Guide 2017 (Real Estate Litigation)*

"Stephanie Tozer is a clear client favourite, earning a number of rave reviews. One solicitor claims, 'Stephanie is quick to pick up complicated issues and really puts the hours in to deliver. She is not afraid to give very honest advice and client direction, as well as being very bright and having a great head for detail.'" *Who's Who Legal 2017*

"A pleasure to work with." *Legal 500, 2016*

"Handles a diverse practice which includes niches in mortgage and professional negligence related work. She is recognised by her peers as a tough and effective advocate. Strengths: 'She's extremely bright and capable. We use her on anything that requires a real technical eye. She's good at sifting through the detail and getting to the point.' 'She's very used to delivering high grade advice very quickly. Her performance in court is very good and she's particularly good with clients'. Recent work: Successfully obtained orders on behalf of an energy company to remove anti fracking protesters from two properties based in Yorkshire". *Chambers UK Guide 2016*.

"Has a broad property practice, and represents a range of clients on a spread of issues. She has particular niche expertise in mortgage-related work. Expertise: 'Excellent technically, as well as being very commercial and responsive.' 'She is very bright and pleasant to deal with.' Recent work: Acted in the Hackney v Parshall appeal." *Chambers UK (2015)*

"Extremely good, very bright and good at providing clear advice to clients" *The Legal 500 (2014)*

"Stephanie Tozer conducts an impressive practice embracing commercial and residential landlord and tenant work and professional negligence related property disputes, with a focus on land registration, student housing and mortgage issues. Expertise: 'She has a practicality and a realistic approach to cases. She is a forceful advocate and doesn't waste time on needless points'. 'You can give her something really messy and she'll straighten it out. Whittles it down to the key points'. Recent work: She recently acted in an adverse possession dispute that went to the Court of Appeal. It determined whether land can be accidentally registered to an individual." *Chambers UK (2014)*

Listed as a Leading Junior *The Legal 500 (2013)*

The 'very capable and well thought of' Stephanie Tozer handles all aspects of real property litigation. She recently acted in Parshall v Bryans, and is noted for being 'appropriately combative' and 'someone who never gets flustered'." *Chambers UK (2013)*

Listed as a Leading Junior *The Legal 500 (2012)*

"Rational, tenacious and good with difficult clients, she is a human dynamo' and popular with clients". *Chambers UK Guide (2012)*

Listed as a Leading Junior *The Legal 500 (2011)*

"Much commented upon is 'star in the making' Stephanie Tozer 'an absolute fighter who gets into a case and starts crawling all over the detail immediately'. Her recent caseload includes *Estafnous v London & Leeds*, a trial in the Chancery Division concerning estate agents' commission." *Chambers UK (2011)*

"The 'rational and tenacious' Stephanie Tozer 'has a good eye for detail and strong advocacy skills' ". *The Legal 500 (2010)*

"Stephanie Tozer recently moved from to the set from Maitland Chambers. Solicitors describe her as 'a mainstream professional with an already impressive skill set, who argues convincingly and is great to work with'. She acted alone in the Court of Appeal for the defendants in the *Crown Estates Commissioners v Roberts*, a case concerning the earliest notions of property law in England and Wales". *Chambers and Partners (2010)*

"The "rational and tenacious" Stephanie Tozer joined from Maitland Chambers" *The Legal 500 (2009)*

"Stephanie Tozer is a regular favourite for many solicitors. She has been involved in a number of misrepresentation cases over the past year, and she is complemented for her detailed approach and the manner in which she can talk really unconvinced judges into seeing her point of view. *Chambers & Partners (2009)*

"Stephanie Tozer has a great mind" *The Legal 500 (2008)*

"Stephanie Tozer is a stunning advocate with a nice conversational style who impresses with the thoroughness of her case preparation. She has a general property practice and has developed a specialism in dealing with problem mortgages. *Chambers & Partners (2008)*

"The excellent legal brain and feisty courtroom style of Stephanie Tozer keep her firmly in solicitors thoughts." *Chambers & Partners (2007)*

"Stephanie Tozer is good with clients and possesses a strong intellect." "Stephanie Tozer is good with clients and possesses a strong intellect. *Chambers & Partners (2006)*

"Stephanie Tozer won plaudits for being excellent with clients and having a good legal brain with a feisty court-room style that often wins the day." *Chambers & Partners (2005)*

Listed as a Leading Property Litigation Junior 2002, 2003, 2004, 2005, 2006, 2007, *The Legal 500*