Falcon Chambers

Stephanie Tozer KC

Called 1996 Silk 2019



Practice Summary

Stephanie is a well-established silk, having taken silk in 2019. She is ranked by Chambers and Partners in Silks Band 1 for Real Estate Litigation and Silks Band 2 for Telecommunications, and ranked by Legal 500 as a Leading Silk in Telecoms (Band 1) and Property Litigation (Band 3). Those who she has worked with have praised her cross-examination skills, attention to detail and client skills. She works on cases in all Courts from the Supreme Court to the First-tier Tribunal, and also arbitrations.

Stephanie litigates a wide range of property-related disputes, including all sorts of real property problems, all aspects of commercial landlord and tenant work and property-related professional negligence claims. She is known for getting up to speed on unfamiliar areas quickly. However, 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; adverse possession, including appearing in the leading Supreme Court case, Ridley v Brown [2025];
  specific performance/rescission; site boundary issues; adverse possession; easements; restrictive covenants; 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.
- Commercial Landlord and Tenant: all aspects, but particularly security of tenure under the Landlord and Tenant Act 1954 and break clauses.
- Mortgage and fixed charge receivership: Stephanie has recent experience of large scale mortgage litigation arising from mistaken discharge of charges at Land Registry; and high end and complex mortgage possession litigation, involving counterclaims raising allegations of lender misconduct. She has also litigated mortgage shortfall claims (including West Bromwich v Wilkinson [2005] in the House of Lords); claims arising from mortgage or conveyancing fraud and claims brought by receivers, or otherwise as a result of a receivership - including Ghai v Maymask 228 Ltd [2020]. She is one of the authors of a leading text called Mortgage Receivership Law and Practice.
- Telecoms: Stephanie appeared in the first case in which the Court of Appeal considered the present Code: Cornerstone Telecommunications Infrastructure Limited v Compton Beauchamp Ltd [2019]. She successfully secured permission to appeal from the Supreme Court, the first time in which permission to appeal had been given for an electronic communications code matter. In addition, Stephanie has advised about most of the key issues (and some more obscure ones) under the Code, and has appeared in the Upper Tribunal and County Court on Code litigation matters. She also appeared in important 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). Stephanie generally acts for operators.

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

She is Chair of the Property Bar Association.

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; silk 2019
- CEDR Accredited Mediator
- Judge of the First Tier Tribunal (Property Chamber) (Land Registration)
- Vice-chair of the Property Bar Association
- Chancery Bar Association (former Committee member)

Recent cases

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

- **Ridley v Brown** [2025] – Lead advocate in Supreme Court case about whether a person applying for adverse possession under Schedule 6 of the Land Registration Act 2002 who wishes to rely on the third condition in paragraph 5(4) must show he reasonably believed the land belonged to him for any 10 years of the period of adverse possession or whether that belief must continue up until the application is made (ignoring any de minimis period)."
- **On Tower UK Ltd v British Telecommunications Plc** [2024] – Whether an operator could secure rights under the Electronic Communications Code over a telephone exchange building; whether a break notice needs to be served with or prior to service of a paragraph 31 notice
- **Brown v Ridley** [2024] – Successfully appealed a decision of the FtT under Schedule 6 adverse possession claim on the basis that it had failed to follow a binding Court of Appeal decision
- **Barclays Bank v Terry** [2023] – obtained orders setting aside mistaken discharge of a large volume of charges in representative proceedings, over several hearings
- **West One Limited v Rolfe** [2022] – obtained summary judgment for a secured lender on a money claim for over £5.5 million
- **Vistra Trust Corp (UK) Ltd v CDS (Superstores International) Ltd** [2022] – Determined a tenant who has served a break notice cannot request a new tenancy under the Landlord and Tenant Act 1954
- **EE Ltd and Hutchsion 3G Ltd v Affinity Water Ltd** [2022] UKUT 8 (LC) Valuation under Part 5 of the Electronic Communications Code a water tower on a water tower site

- **EE Ltd and Hutchison 3G Ltd v Morriss** [2022] 1 EW MIsc 1 (CC) Unopposed 1954 Act renewal of a telecommunications site: important case on valuation, and other disputed terms, under the 1954 Act.
- **Ghai v Maymask (228) Ltd** [2020] UKUT 293 (LC) Whether a transfer signed by a director whilst the vendor company was in receivership was effective to convey title to the purchaser; termination of receiverships
- **EE Ltd v Edelwind Ltd** [2020] UKUT 272 (LC) Whether Notices served under Part 5 of the Electronic Communications Code were valid, where the site provider relied on a conditional break right in its own tenancy; whether a Secondary Code agreement (by which the freeholder agreed to be bound by code rights granted by its tenant) would come to an end with the main code agreement.
- **Dreams Ltd v Pavilion Property Trustees Ltd** [2020] EWHC 1169 (Ch) On the proper interpretation of an agreement for the surrender of a commercial lease, the tenant's obligation to pay “any money due” on completion did not include an unresolved claim for unliquidated damages for breach of a repairing covenant; however, the tenant was obliged to give vacant possession before the landlord could be obliged to accept a surrender.

Earlier cases

- **Cornerstone Telecommunications Infrastructure Ltd v Compton Beauchamp Estates Ltd** [2109] EWCA Civ 1755The Court of Appeal upheld the Upper Tribunal's ruling that an agreement conferring code rights could not be imposed on a site provider under Part 4 of the Electronic Communications Code where the operator was already in occupation of the site.
- **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.
- **Rashid v Nasrullah** [2019] 2 WLR 1310 - Fraudster becoming registered as proprietor of land belonging to another - Whether fraudster's subsequent occupation of land giving rise to adverse possession claim.
- **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
- **Ittihadieh 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.
- **Ittihadieh 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 & ots** [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.
- **Parksite 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 Second edn by Stephanie Tozer KC, Cecily Crampin and Tricia Hemans

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

Published Comments

"Stephanie is excellent on her feet; a team player and good with clients. She's one of the best." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Her advocacy was impressive and effective. Stephanie's strengths are her oral advocacy and strong technical skills." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"She is a tenacious advocate and always well prepared." *Legal 500 UK Bar Guide 2027 (Telecoms Regulation)*

"Excellent in every respect, Stephanie covers all bases and really gets into the weeds of a matter. She clearly commands the respect of the court and is particularly spectacular on her feet." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Stephanie thinks of everything, providing clarity on all risks while delivering strong and robust advocacy in the client's interests to deliver the best results." *Legal 500 UK Bar Guide 2027 (Property Litigation)*

"Stephanie Tozer is an excellent practitioner." *Chambers and Partners UK Bar Guide 2027 (Telecommunications)*

"Stephanie is excellent at distilling technical information into a more manageable format. She's very capable on the technical side and on the soft skills side, making sure clients are at ease throughout trial. Her ability to distil complex issues into something more approachable was the main benefit." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Stephanie is technically great." *Chambers and Partners UK Bar Guide 2027 (Telecommunications)*

"She's a great team player; personable and easy to work with." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Stephanie is super intelligent and cuts through to the heart of the matter." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Stephanie is adept at solving complicated problems and is an industry leader in telecommunications law." *Chambers and Partners UK Bar Guide 2026 (Telecommunications)*

"She is an excellent silk focused on delivering the best outcome for her clients." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Stephanie Tozer has an incredibly high level of expertise." *Chambers and Partners UK Bar Guide 2026 (Telecommunications)*

"Stephanie is punchy, clear and gives eminently sensible advice." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Stephanie is very knowledgeable about telecoms. She knows the Code inside out. She is also helpful to the clients as to the strategy." *Chambers and Partners UK Bar Guide 2026 (Telecommunications)*

"Stephanie provides clear and focused advice and is technically first-class, with a clear focus on commercial outcomes." *Legal 500 UK Bar Guide 2026 (Telecoms)*

"Stephanie gives punchy opinions. If you need a firm steer, she will not sit on the fence." *Legal 500 UK Bar Guide 2026 (Property Litigation)*

"Stephanie Tozer KC handles a plethora of property-related disputes, and is recognised for her skill in handling

residential and commercial landlord and tenant disputes. She is also noted for her expertise in telecommunications matters." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Stephanie has a way with attention to detail whereby she leaves no stone unturned. It makes her advocacy very streamlined and means she is able to answer any questions before they even come up." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Stephanie is polite, approachable and adept at handling high volumes of work in a short space of time." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Stephanie's cross-examination is well structured and prepared." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Stephanie has a well-rounded practice, and is both quick on her feet and very good with clients." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Stephanie Tozer KC is noted for her expertise in handling disputes concerning the installation of telecommunications apparatus on land. Combining her strong skills in property litigation and her expert understanding of the Electronic Communications Code, she frequently represents high-profile service providers and mobile infrastructure companies in their disputes with landowners." *Chambers and Partners UK Bar Guide 2025 (Telecommunications)*

"Stephanie is incredibly knowledgeable about the telecoms code and is good on her feet." *Chambers and Partners UK Bar Guide 2025 (Telecommunications)*

"Stephanie is a leading silk in real property work. Her written advocacy is compelling and persuasive. She has the ear of judges as a result of her stellar reputation in the area." *Legal 500 UK Bar Guide 2025*

"'Stephanie has a brilliant grasp of the telecoms code and has been involved in some of the biggest cases. She is an excellent advocate and puts her case across in a forceful and persuasive way." *Legal 500 UK Bar Guide 2025*

"Stephanie is meticulously prepared and quietly but ruthlessly effective."

"She is very responsive and proactive and a joy to work with."

"A fantastic advocate who is great with clients." *Chambers and Partners UK Bar Guide 2024 (Real Estate Litigation)*

"Stephanie's court performances are excellent. The work she puts into preparing for hearings is second to none and her advice can't be faulted." *Chambers and Partners UK Bar Guide 2024 (Telecommunications)*

'Stephanie is an excellent technical lawyer with a good manner with clients. She is becoming a go-to practitioner for Telecommunications Code disputes.' *Lega 500 UK Bar Guide 2024*

'She quickly taps in to what is important to clients.' *Legal 500 UK Bar Guide 2024*

"Stephanie is very decisive, so she'll give a view and back it up in terms of what clients need to do." *Chambers and Partners UK Guide 2023*

"She is very analytical, cuts away all the rubbish and only deals with the essentials of an argument." *Chambers and Partners UK Guide 2023*

"She is pragmatic, fiercely intelligent and someone with an exceptional grasp of the new Electronic Communications Code." *Chambers and Partners UK Guide 2023*

'Flawless preparation for trial. Willing to give very clear view on merits with clear, focused advice.' *Legal 500 UK Bar Guide 2023*

Stephanie Tozer QC handles a plethora of property-related disputes, and is recognised for her skill in handling residential and commercial landlord and tenant disputes. She is also noted for her expertise in telecommunications matters. Strengths: "An excellent advocate providing high-quality legal advice." "She takes care to give careful consideration to all angles of a case." "She has a meticulous attention to detail and is very responsive." *Chambers and Partners UK Guide 2022 (Real Estate)*

Stephanie Tozer QC is noted for her expertise in handling disputes concerning the installation of telecoms apparatus on land. Combining her strong skills in property litigation and her expert understanding of the Electronic Communications Code, she frequently represents high-profile service providers and mobile infrastructure companies in their disputes with landowners. Strengths: "She is very approachable, extremely bright and a strategic thinker." "She is excellent in her technical abilities, but also has a very professional and likeable manner when addressing the tribunal or giving advice to clients." *Chambers and Partners UK Guide 2022 (Telecommunications)*

"Clear, focused advice and able to give a firm view on merits." *Legal 500 UK Bar Guide 2022 (Property Litigation)*

“"A fiercely bight advocate”, recognised for her depth of experience navigating clients through property related disputes”. Recommended for both Real Estate and Professional Negligence. *Who’s Who Legal UK Bar Report 2022*

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: "Stephanie is extremely bright and commercial and her advice is always accessible." "Quick and responsible, Stephanie always takes care to give careful consideration to all angles of a case." "She is very astute, straight-talking and looks at the whole picture." *Chambers and Partners UK Guide 2021 (Real Estate Litigation)*

Tozer is noted for her expertise in handling disputes concerning the installation of telecoms apparatus on land. Combining her strong skills in property litigation and her expert understanding of the Electronic Communications Code, she frequently represents high-profile service providers and mobile infrastructure companies in their disputes with landowners. Strengths: "An excellent advocate with a methodical eye for detail. She presents complex arguments in a persuasive, digestible manner and never becomes flustered even when subject to a number of interrogations from Court of Appeal judges." "She is impressive, and a leading light in code cases." *Chambers and Partners UK Guide 2021 (Telecommunications)*

"Provides good commercial advice at short notice and good with clients." *Legal 500 UK Bar Guide 2021*

Recommended for Real Estate and Professional Negligence. *Who's Who Legal 2021*