



Falcon Chambers



Tricia Hemans

Called 2013



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Practice Summary

Tricia Hemans specialises in all areas of property law, including all aspects of real property and both commercial and residential landlord and tenant, as well as property-related family law disputes. She also has particular experience of mortgage receivership disputes and is a contributor to Tozer and Crampin on Mortgage Receivership: Law & Practice. Tricia also has experience of mediation advocacy.

Tricia's recent cases have involved:

- Mortgage and receivership issues
- Land registration disputes in the FtT
- Being led in the Court of Appeal by Stephanie Tozer QC in *Rashid v Nasrullah* [2018] EWCA Civ 2685, an important case on adverse possession
- Issues concerning easements, rights of way and boundary disputes
- Lease extensions and collective enfranchisement claims under the LRA 1993.
- Co-ownership disputes and applications under the TOLATA
- Possession proceedings: commercial and residential claims
- Professional negligence and insolvency
- Being led in the Family Division of the High Court, in a dispute involving a divorce settlement with a property law dimension
- A complex arbitration, led by Jonathan Karas QC in a dispute concerning the intersection of property law and utilities.
- [Education](#)

BPTC: The University of Law - formerly the College of Law (Very Competent)

LLB: Law, Queen Mary University of London (1st Class Hons)

- [Professional](#)

Tricia is a member of:

- The Chancery Bar Association
- The Property Bar Association
- The Bar Council 2019-2020 - Equality, Diversity & Social Mobility Committee's Retention Panel
- The London Common Law and Commercial Bar Association
- Called 2013: Middle Temple Inn
- Nicholas Pumfrey Memorial Award: Middle Temple
- Access to the Bar Award: Middle Temple
- Principal's Prize for outstanding academic achievement: Queen Mary University of London

- [Selected Cases](#)

Yuen v Wong (2019): Tricia appeared in the First-tier Tribunal as it considered an important point on which there is no clear authority, concerning whether, for the purpose of creating a deed, it is possible to witness a signature remotely.

3 and 41 Observatory Way Ramsgate CT12 6AZ and 24, 36, 54, 60 and 86 Pretoria Road Chertsey Surrey KT16 9AZ. Tricia recently appeared in the First-tier Tribunal, Property Chamber (Residential Property) as it considered seven leases with doubling ground rent provisions. The Tribunal determined the appropriate capitalisation rate to be applied to doubling ground rents following applications under s.48 Leasehold Reform Housing and Urban Development Act 1993 to determine the terms of acquisition of seven separate lease extensions.

Rashid v Nasrullah [2018] EWCA Civ 2685: Tricia appeared in the Court of Appeal led by Stephanie Tozer in this important case on adverse possession. The court considered whether a person who had, by fraud, become the registered proprietor of land could successfully claim adverse possession of that land in the face of a challenge by the defrauded original proprietor.

The Mortgage Business Plc and others v E&J Ground Rents NO3 LLP and others (2017): Tricia appeared for the successful claimant in the High Court, Chancery Division. The claim involved the rectification of mistakes in various documents, consequential declarations and the updating of the land register to reflect the rectification.

Imran Garrib v Palwontee and Bank of Scotland (2017): Tricia appeared for the successful second defendant, the Royal Bank of Scotland, in a two-day trial in the First-tier Tribunal (Land Registration). The case concerned whether the proprietorship register should be rectified due to an allegedly fraudulent transfer and if so, whether a charge in favour of the bank should also be removed as a consequence of the original mistake. The case raised issues concerning the equitable remedy of subrogation, the scope of the Tribunal's powers to correct the consequences of a mistake and its jurisdiction determine matters referred to it.

Price v Daejan Properties Ltd. (2017): Tricia appeared in a one-day valuation dispute before the First-tier Tribunal (Residential Property). The case concerned the correct premium payable for a new lease under the Leasehold Reform Housing and Urban Development Act 1993. Tricia cross-examined an expert valuer on issues of the appropriate deferment rate, capitalization rate and relativity.

Maduakonam acting by Jardine and Burgess (LPA receivers) (2017): Tricia appeared for the successful Law of Property Act receivers in two separate cases concerning mortgage receivership. The Court had to grapple with questions of standing in circumstances where a receiver brought a claim against the occupiers of a mortgage property, in the name of the borrower and the borrower sought to be joined as a party in his own right in order to defend the claim. The cases also raised issues of the validity of a receiver's appointment and the question of the borrower's powers to let property once a receiver had been appointed.

Hogben v Wood (2017): Tricia appeared for the successful claimant in a one-day trial of a complex residential possession claim. The case involved issues concerning the effect of a historic deed of gift, probate and the transfer of a property pursuant to various wills.

The Mayor and Burgesses of the London Borough of Haringey v Roy and Roy (2017): – Tricia appeared in the First-tier Tribunal (Residential Property) for the successful defendant in a dispute concerning the payment of service charges and whether the consultation requirements under section 20 Landlord and Tenant Act 1985 and the service charges (consultation requirements) (England) Regulations 2003 had been complied with.

Tami Jane Wallace v Central London County Court and others (2016): Tricia appeared for the successful interested party in the Admin Court to oppose an application for permission to claim judicial review.

Mortgages 1 Limited v Hossein Gharai (2016): Tricia appeared in the Queen's Bench division of the High Court and successfully opposed an application for permission to appeal

Area Estates Ltd and others v Moira Hanley: Tricia acted for the successful tenants in collective enfranchisement dispute pursuant to the Leasehold Reform, Housing and Urban Development Act 1993. In two separate but related claims, Tricia was successful in arguing for an order determining the terms of acquisition and an order vesting the freehold interest in the nominee purchaser.

Meditation Advocacy

Tricia has been involved in numerous mediations as mediation advocate. This included legal issues concerning:

- the correct location of a **boundary** between two residential properties
 - **negligence and nuisance** resulting from an ingress of water on land which affected a neighbouring property
 - a claim for **specific performance** and damages including **aggravated damages**, resulting from an alleged failure by a landlord to carry out repairs.
- [Seminars & Publications](#)

Where are we now? Mortgage Receivership & Possession - NLJ 7 February 2020, with Cecily Crampin

Contracts: The formal, informal, implied and naturally understood. March 2019, seminar (with Thomas Rothwell)

On the Receiving end - NLJ 22nd March 2019 with Cecily Crampin

Contributor to Mortgage Receivership: Law & Practice" by Stephanie Tozer and Cecily Crampin

Contributor to Westlaw Insight – Severability of Joint Tenancies and Holiday Lets

Enfranchisement Claims and Statutory Interpretation: Purpose and Prejudice? L. & T. Review 2017, 21(3), 95 – 102 (with Cecily Crampin)

To Build or Not To Build? Restrictive Covenants. April 2017 seminar (with Jamie Sutherland)

Breaking Bad. February 2017, Solicitors Journal (with Greville Healey)

“The Right to Manage – the basics”. February 2015 seminar (with Philip Sissons)

No room at the inn. L. & T. Review 2015, 19(2), 47-51 (with Oliver Radley-Gardner)

Article 8 defences to possession claims. I.H.L. 2014/15, 226 (Dec/Jan), 34-36 (with Toby Boncey).

Published Comments

Impressive junior who is said to be approachable as well as possessing outstanding technical skill. She operates a broad practice, featuring commercial and residential landlord and tenant work, transactional disputes and other issues such as easements. Strengths: "A rising star." *Chambers and Partners UK Guide 2020 (Real Estate Litigation)*

"Impressive junior who is said to be approachable as well as possessing outstanding technical skill. She operates a broad practice, featuring commercial and residential landlord and tenant work, transactional disputes and other issues such as easements. Strengths: 'In very complicated matters she can see the wood for the trees and is a very effective advocate.' 'Provides clear advice and is approachable and personable'. Recent work: Appeared in the preliminary hearing of an arbitration concerning the rights of landowners under a deed granting an easement to lay a gas pipeline." *Chambers UK Guide 2019 (Real Estate Litigation)*