

Michael Grant

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Michael specialises purely in Chancery and Property Litigation (residential and commercial), and regularly appears in the County Court, High Court and FTT.

Being a former solicitor specialising in property litigation, he has experience spanning the breadth of both professions, which clients find to be invaluable not only in the pre-litigation stage but in the run up to trial.

Michael also has a keen eye for detail, and is often instructed on very complex matters warranting an in-depth analysis in matters concerning landlord and tenant, possession, forfeiture, disrepair, easements, probate, wills, transfer of beneficial interests, trusts, estoppel, adverse possession, boundary disputes, trespass, and the Party Wall etc. Act 1996. (This list is non-exhaustive)

Michael is a member of the Chancery Bar Association and the Property Bar Association.

He is qualified to accept instructions under the Direct Access scheme.

Michael has also published many property articles for both the Housing and Property bulletins. See News and Articles below.

Residential Property

Residential and Commercial Landlord and Tenant

Michael is regularly instructed across the entire spectrum of landlord and tenant work. The following is a list of some of the most common issues.

Residential

- Possession
- Prescribed Requirements (Gas safety / EPC / How to Rent)

- Deposits and Prescribed Information
- Disrepair
- Nuisance
- Forfeiture
- Service charges and administration charges
- Ground rent recovery and demands
- Surrender agreements
- Notices to quit
- Boundary disputes
- Adverse possession (registered and unregistered land)
- Trespass
- Injunctions (prohibitory and mandatory)
- Specific performance
- Rent increases
- Consent for alterations and improvements (unreasonable withholding)
- Easements / rights of way

Recent cases

- In 2024 Michael was successful in the First Tier Tribunal in obtaining an order for adverse possession in respect of his clients' application for first registration of railway arches that had been used continuously without interruption and with exclusive possession for 30 years without contest. Despite numerous challenges raised by Network Rail as to claimed ownership and disputed exclusive possession, the tribunal dismissed such objections and granted the order.
- In 2024 Michael acted for a tenant in a claim for possession brought under grounds 8, 10 and 11 of Schedule 2 of the HA 1988. Michael discovered during the investigation stage that the claimant landlord had historically sold the freehold of the building without having given notice of assignment under LTA 1985 s.3, nor having served notice under LTA 1987 s.48. After raising locus standi by way of defence, the claimant subsequently discontinued the possession claim.
- In 2024, Michael assisted a private landlord in a claim for possession under ground 1 of Schedule 2 of HA 1988 for the landlord and his family to return to the property. Possession was eventually granted after Michael gave detailed submissions at a preliminary hearing to determine technical points that were raised by the tenant under ground 1.
- In 2024, Michael was instructed by a large Property Management Company to provide advice on the potential effects of the Renters (Reform) Bill due to its proposed abolition of fixed term tenancies. While the Bill has not yet been given Royal Assent, it has gained much traction, and has understandably caused significant shockwaves across the residential landlord community.
- In 2024, Michael was instructed to act for a leaseholder of residential premises for a declaration that consent for alterations was unreasonably withheld. As a result of the pleaded case, the parties settled out of court agreeing retrospective consent for alterations.

- From 2023 to date, Michael has been engaged on a matter involving a boundary dispute with a neighbour who built a large extension in breach of planning permission, and in the absence of any notice under the Party Wall Act. The case also involves trespass and causative damage to the client's property as a result of the neighbour's build.
- Since 2023, Michael has been instructed on a number of trespass cases involving farmers prevented from gaining access to their land due to repeated obstructions by adjacent commercial leaseholders. Michael carried out a detailed analysis, provided advice and drafted pleadings, some of which have settled at the pre-litigation stage whereas others have warranted proceedings to be issued for injunctive relief and damages.

Commercial Property

- Lease renewals
- Leasehold termination
- Rent increases
- Rent recovery
- Leasehold interpretation
- Break clauses
- Surrender agreements
- Repairing covenants
- Consent for alterations and improvements (unreasonable withholding)
- User
- Trespass
- Forfeiture
- Mixed use (commercial and residential)
- Frustration

Recent cases

- In 2024 Michael advised a commercial landlord on the possibility of electing forfeiture as a result of the tenant company entering into a CVA. In addition, Michael advised on the risk of waiving the right to forfeit upon voting at a creditor's meeting in relation to the CVA.
- In 2024, Michael advised a commercial landlord on opposing a tenant's claim for renewal in reliance upon s.30(1)(b) LTA 1954 for persistent delayed payments of rent, and the likelihood of success.
- In 2024, Michael advised a commercial tenant operating as a hotel business in relation to a potential claim for damages (by way of diminution in value/loss of profits) arising from a substantial loss of light entering through numerous apertures of the hotel building caused by an adjoining owner's extensive construction.

- Michael recently advised a commercial tenant on waiver of the right to forfeit in circumstances where the commercial landlord had sought injunctive relief as part of the same possession proceedings without having properly pleaded such relief in the alternative.
- In 2024 Michael was instructed by a commercial tenant seeking advice about exercising a conditional break clause in circumstances where, due to poor draftsmanship, questions were raised as to the applicability and enforceability of the clause.
- In 2023 Michael was successful on behalf of a commercial tenant who applied to set aside a money judgment for arrears of rent, despite the order being made 2 years prior. While the issue of promptness was of paramount concern, it was clear from the facts that the tenant's actions during the preceding 2 years after the order was made were inconsistent with a party who had knowledge of the making of such an order. In addition, once the tenant was in receipt of the order from the landlord's solicitors, he made an application to set aside within 7 days.

Chancery

Michael is regularly instructed on cases involving issues of:

- Restitution
- Undue influence
- Personal Insolvency (Bankruptcy / IVAs / Breathing Space Moratoriums / substituted service / annulments)
- Company Insolvency (Winding Up / CVAs)
- Trusts (common intention constructive trusts / resulting trusts / bare trusts)
- Estoppel (proprietary and promissory / life interests)
- Wills and Probate (including intestacy rules)

Recent cases

- In 2024 Michael was instructed to advise and draft a preliminary notice and letter of claim on behalf of a purchaser of property who has, since completion, been prevented by HM Land Registry from registering his title as the freehold proprietor due to evidence pertaining towards a fraudulent transaction. HM Land Registry have determined that every identification document provided by the purported seller is invalid. The purchaser is suing his former conveyancing solicitors for breach of trust in transferring monies to an individual other than the genuine seller.
- In 2024 Michael was instructed to advise a beneficiary in relation to his mother's estate after she died intestate. Prior to her death, she and her ex-husband held the property as joint tenants in equity, but failed to sever the joint tenancy during her lifetime. The ex-husband claimed survivorship rights and rejected the beneficiary's claim to hold any beneficial interest in the Property. Michael advised that there were good prospects of success in making a claim under s.14 TOLATA 1996 on grounds of constructive trust and/or proprietary estoppel.
- At the end of 2023 Michael acted for a creditor in a bankruptcy petition, and thereafter acted for the same creditor in response to an application made by the debtor to annul the bankruptcy order. At court, Michael was successful in having the application dismissed.
- In 2023, Michael was instructed by a defendant in residential possession proceedings who claimed to be residing in

the property pursuant to a Statutory Declaration that granted him the right to use the property for life rent-free. The proceedings were defended inter alia on grounds of constructive trust, proprietary estoppel, and undue influence.

Housing

Michael is regularly instructed on cases involving issues of:

- Possession of secure tenancies
- Possession of assured tenancies
- Disrepair, including quantum and specific performance
- Anti-Social Behaviour Injunctions
- Committals

Michael has obtained numerous injunctions on behalf of local authorities and housing associations under the Anti-social Behaviour, Crime and Policing Act 2014, and often appears in committal hearings for breach of such injunctions.

Michael is commonly instructed by local authorities, secure tenants, Housing Associations and assured tenants to appear in both trials and interlocutory hearings concerning claims for damages due to disrepair, as well as orders for specific performance. Michael also provides advices on quantum.

Michael is often instructed to appear on behalf of local authorities, secure tenants, Housing Associations and assured tenants in possession claims.

Michael is regularly instructed in possession claims concerning s.8 and s.21, and provides advice on all matters under the Housing Act 1985, the Housing Act 1988, the Landlord and Tenant Act 1985, the Commonhold and Leasehold Reform Act 2002, and the Housing Act 2004.[IFK2]

Recent cases

- Michael is regularly instructed to appear at trials concerning residential disrepair either on behalf of social landlords or social tenants.
- In 2024, Michael was instructed to draft pleadings for breach of a schedule to a Tomlin Order in order to obtain an order for damages, penal notice, and specific performance. In addition, Michael is instructed to attend numerous hearings arising from such matters.
- In 2024, Michael appeared on behalf of a social landlord defending a claim brought by a social tenant for damages relating to disrepair. At trial Michael successfully exposed deficiencies in the tenant's case relating to both notice and expert evidence.
- Michael is regularly instructed to provide advices on quantum relating to both disrepair and fitness claims resulting in damages equating to 100% diminution in value.
- In 2023, Michael was instructed by a defendant in residential possession proceedings who claimed to be residing in the property pursuant to a Statutory Declaration that granted him the right to use the property for life rent-free. The proceedings were defended inter alia on grounds of constructive trust, proprietary estoppel, and undue influence.

News & articles

Michael has written many articles which have assisted property practitioners and lay individuals alike and such articles can be accessed at www.lettingsbarrister.co.uk, which website is in affiliation with 42BR Barristers.

- [Renters \(Reform\) Bill: A Tour Bus Guide - Stop 6: Unlawful Eviction](#)
- [Renters \(Reform\) Bill: A Tour Bus Guide – Stop 2: Grounds for Possession](#)
- [Can you trust a notice to quit?](#)
- [Good News for Landlords! No requirement to provide EPC for pre-2015 tenancies](#)
- [Service Charges: When will conditions be imposed upon the grant of dispensation from consultation requirements?](#)
- [Appeals in Possession Claims also stayed under Practice Direction 51Z](#)
- [Apportionment of Service Charges: Michael Grant discusses the recent Upper Tribunal decision of Williams v Aviva Investors Ground Rent \[2020\] UKUT 111 \(LC\)](#)
- [Housing Bulletin: Is An Old Version Of The Prescribed Section 8 Notice Still Useable?](#)
- [Landlords Still Affected by Gas Safety Requirements](#)
- [Housing Law Bulletin: Is the hiring out of property on AirBnb a breach of the lease?](#)
- [Gas Safety Certificates](#) – Arguments against Caridon and amending legislation
- [Recovering Abandoned Premises](#) – Dramatic legal changes
- [Landlord Beware](#) – Gap in the Housing Act
- [Tenancy Deposits](#) – Prescribed Information

Other Information

In his spare time, Michael enjoys travelling, chess, learning French and playing piano. When time permits, he enjoys a glass of wine and has an unfortunate penchant for good quality Burgundy reds.

For updates in the world of property law follow Michael on Twitter at @lettingsbar1 and on LinkedIn.