

Desmond Kilcoyne

Call 1990

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Introduction

"He is very able and a good advocate. He has a good manner with clients and an appropriate manner with the opposing party." – Chambers and Partners 2021

"Has a wealth of knowledge and experience, he is a very good advocate one of his great assets is to be able to assess his opponents, witnesses and the bench. He is very approachable." Legal 500 2021

"Practises in Chambers' core areas of property related work"



If your legal problem is connected in any way to a piece of land, Desmond will tackle it (although he leaves planning law to others). His practice includes all kinds of disputes which arise out of developments and conveyancing, all types of commercial and residential landlord and tenant matters, as well as social housing problems (including homelessness). He acts for property owners, landlords and tenants and professional advisors at every stage.

In the last year, he has been involved in:

- A claim by a man to a co-ownership share in the multi-million property portfolio and letting business of his former fiancée
- A rectification of title claim to establish easements of prescription so as to benefit a proposed development
- An action against a bridging finance company for failure to comply with their equitable duties when selling mortgaged property
- A service charge dispute where the leaseholders of a local authority are seeking to prevent the authority dispensing with consultation requirements

- A professional negligence dispute arising out of an inadequately drafted mortgage arrangement
- A nuisance case concerning damage caused by naturally flowing water
- A number of business tenancy claims, rent reviews, boundary and other neighbour disputes, possession and disrepair actions

Professional memberships

- Property Bar Association
- Chancery Bar Association
- Founder Member of Social Housing Law Association

Selected cases

- *Ellis v Lambeth L.B.C.* [2000] 32 HLR 596, CA (adverse possession and estoppel)
- *Lambeth L.B.C v Howard* [2001] 33 HLR 58, CA (the first case on human rights in the context of a local authority tenancy)
- *Delsol v Lambeth* [2002] EWCA 1894, CA (human rights challenge to the absolute fetter on sub-tenancies in Housing Act 1985)
- *Bodle v Coutts & Co. Lawtel*, [2003] EWHC 1865 (Ch) (whether assertion of solicitor's lien on documents is in breach of a litigant's Article 6 rights)
- *Lyons v Gardner* [2007] EWCA Civ 259 (nuisance action brought by neighbour)
- *Worrall v Topp* [2007] EWHC 1809 (Ch) (expert determination of boundary dispute)
- *Loveridge v Lambeth* [2013] 3 All E.R. 261 & the Estates Gazette Digest at [2013] 21 E.G. 106 (C.S.)

Publications

- Regular columnist on property and housing matters in 'Ask the Experts', Sunday Times, Home Section
- Member of Editorial Board of Emis Property Service (publication dealing with all aspects of commercial and residential property law)
- Author of Leaseholder Management (Lemos & Crane)
- Former Contributor of titles on Mortgages, Sale of Land, Restrictive Covenants in Atkin's Court Forms (Butterworths)

Education

- Tonbridge School
- University of Southampton (LLB (Hons) 2.1)
- King's College, London (LLM)

Scholarships and awards

- Inner Temple Examination Scholar (1990)

Other information

Desmond is married to another barrister (who practices in media law) and he enjoys regular relaxing games of chess, bouts of kendo etc. with her. When not at work, Desmond keeps his hand in by conducting nightly appeals by his 3 young daughters to review the decisions of his wife. His own first instance decisions are invariably ignored and/or quashed although one was upheld back in '64. He loves: wine, Italy, speaking French, cooking and rugby.