

DR NATHAN SMITH

Year of call: 2007

Clerked by: Harry Young

AREAS OF EXPERTISE:

Banking & Finance Commercial Litigation Company
Insolvency Partnership Private Client, Trusts and Probate
Professional Negligence Real Estate Litigation Technology &
Construction



Real Estate Litigation

Nathan has considerable experience of all forms of property litigation, including: mortgages and mortgage fraud, possession claims, landlord and tenant claims, adverse possession, boundaries and easements, claims arising out of the sale and purchase of properties, the right to manage, orders for sale and TLATA.

Nathan has successfully represented clients in multi-day trials involving property rights and appears before the First Tier Tribunal (Property Chamber) and the Leasehold Valuation Tribunal where he has represented individuals, groups of residents and management companies.

Nathan also has extensive experience acting for lenders and borrowers in mortgage litigation, including bridging finance and peer-to-peer lenders, and presents an annual seminar on mortgage law.

Examples of recent / reported cases include:

- (2019) Acting on behalf of a Cypriot development company in the Commercial Court in London in a dispute over alleged representations made prior to the sale of more than 30 properties. Led by David Casement QC;
- (2019) Obtaining a declaration in the High Court that a property was subject to a constructive trust and should be transferred to the applicants rather than vest as bona vacantia in the Duchy of Lancaster;
- (2018) Acting for the grantee of an option in a trial before the First Tier Tribunal that concerned the validity of an option agreement over 2 properties valued at £2.4m. Reported as *Trivelles Grand Limited v Gill* (REF: 2017/1076).
- (2018) Acting for a landlord in a dispute with a leaseholder over the terms upon which a lease of units in a significant commercial centre in London should be renewed. The 2-day trial had implications for the renewal of other leases in the centre;
- (2018) Acting on behalf of an applicant in 4-day trial before the First Tier Tribunal in which she sought the removal of a mortgage from the register of title for her property on the ground that it had been obtained fraudulently by a third party;
- (2018) Advising a mortgage company on the recovery of significant monies under a legal charge where the borrower had passed away and his estate was insolvent;
- (2018) Acting for a commercial tenant in a dispute with its landlord over repairing covenants and the terms of a lease and whether or not the landlord was able to resist an application for a new lease under the Landlord and Tenant Act 1954;
- (2018) Opposed an interim injunction to restrain the sale of a property by a borrower;
- (2018) Acting for a national developer in a dispute over the interpretation of the terms of a shared equity scheme;
- (2017) Representing the applicants at a 2-day hearing in the First Tier Tribunal (Property Chamber) in which they were seeking an order for the alteration of the register of title of their property to remove a legal charge that had been obtained by fraud. Reported as *Abdul Farooq (1) Surya Begum (1) v Kensington Mortgage Company Ltd* [2017] UKFTT 230 (PC);
- (2017) Representing the owner of a commercial property in a 4-day trial, which resulted in the recovery of the premises from third parties operating a business and who claimed a right to occupy had arisen from an informal lease and/or as a result of proprietary estoppel;
- (2017) Representing the owners of a penthouse flat in a dispute with their management company over the construction of the repairing obligations in a lease. Reported as *Glengarry Management Company Limited v David Barker (1) Susan Barker (2)* (First Tier Tribunal);
- (2014) Appearing on a 2-day appeal in a commercial dispute in the Chancery Division, which involved an acrimonious dispute between co-owners of farmland worth around £500,000;
- Appearing before HM Adjudicator in a dispute over a sham trust deed; and
- Appearing on behalf of approximately 20 residents of a housing development who wanted to replace their management company.

Profile

Nathan joined chambers in April 2008 and practises in all areas of commercial dispute resolution and business and property law, with a particular emphasis on real property, insolvency, professional negligence, shareholder disputes and probate.

Nathan regularly appears in the Business and Property Courts and the County Court for banks, institutional clients, companies of all sizes and individuals. Nathan also frequently appears in the First Tier Tribunal, Property Chamber.

Nathan approaches every instruction with the of the aims and objectives of his clients in mind and understands the need to provide clear and comprehensive advice to enable his clients to effectively navigate through litigation.

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Areas of Expertise

Banking & Finance

Commercial Litigation

Company

Insolvency

Partnership

Private Client, Trusts and Probate

Professional Negligence

Real Estate Litigation

Technology & Construction

Memberships

Chancery Bar Association

Northern Chancery Bar Association

Northern Circuit Commercial Bar Association

British and Irish Commercial Bar Association

Publications

Nathan has published several articles in leading scientific journals, including Physical Review Letters.

Qualifications

2006/2007 Bar Vocational Course. Graded: Outstanding (ranked 1st in year).

2005/2006 Graduate Diploma in Law. Graded: Distinction (ranked 1st in year),

2001/2005 Atomic & Laser Physics DPhil, Oxford University

1997/2001 Physics MPhys, Oxford University (1st class)

Recommendations / Awards

‘His strengths are his attention to detail and being excellent on paper; he is a quality advocate.’ **Legal 500 2021**

Lincoln’s Inn Student of the Year (ranked 1st in year)

Wales & Chester Circuit Award

Oxford University Press Award

Lord Denning Scholarship

Buchanan Prize & Hardwicke Scholarship#

Other Career Details

2004/2005 Nathan was a lecturer in Physics at St. Peter’s College, Oxford.

Nathan has also published several articles in leading scientific journals, including Physical Review Letters.