



## Jonathan Chew

Call: 2010

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*“Very hard-working, bright and a really good team player”*

Chambers & Partners, 2017

### Clerks' Details

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Nancy Lee  
Jack Barker

### Qualifications and Appointments

- BCL, Brasenose College, Oxford (Distinction) (2008-9)(Restitution, Conflicts of Laws, Advanced Property and Trusts papers)
- MA (Law), Emmanuel College, Cambridge (2004-8)(University prizes awarded for top mark in year in Land Law and Public International Law (both 2006))
- Maitrise en Droit, mention assez bien, Université Paris II Panthéon-Assas (2006-8)(French equivalent of a Master's degree in law)
- Queen Mother Scholarship (Middle Temple) and Outstanding BVC

## Memberships

- COMBAR
- Chancery Bar Association
- Property Bar Association
- Registered Advocate of the DIFC Courts

## Publications

- [‘Phillips v Francis’](#) (2015) *Wilberforce Property Update (Issue 1)* May 2015
- ‘What Price Trespass’ (2013) *Conveyancer* 439

## Practice Overview

Jonathan is recommended as an up-and-coming junior in Chambers and Partners and described as *“very hard-working, bright and a really good team player.”* In both 2014 and 2015, he was instructed in one of The Lawyer's "Top 20" cases of the year.

Jonathan has a broad practice across chambers' main practice areas. It encompasses pensions, property (including landlord and tenant), domestic and international commercial work, and trusts. He regularly acts on professional negligence claims related to this core area, and ancillary company and insolvency issues arising.

As well as being regularly led in the High Court, Court of Appeal and internationally, Jonathan acts as sole counsel in the Court of Appeal, High Court (Chancery Division, Commercial Court, QBD and TCC) and county court. Outside court, Jonathan appears before tribunals (such as the FTT or Pensions Regulator DP) and at mediations or settlement meetings.

### Other highlights include:

- *MASNOL v Cripps Harries Hall* [2016] EWHC 2483 (Ch). Led by Jonathan Seitler QC, Jonathan successfully defended two lawyers accused of an £11 million conveyancing fraud arising out of buy-to-let lending in 2007. The individuals involved were fully exonerated of the dishonesty accusations against them.
- *Caliendo v Mishcon de Reya* [2016] EWHC 150 (Ch). One of the Lawyer's "Top 20 Cases of 2015." Jonathan, led by Ian Croxford QC and Clare Stanley QC, successfully acted for the defendant firm in defeating a professional negligence claim brought arising out of the sale of QPR football club to Flavio Briatore and Bernie Ecclestone in 2007.
- *Re London Quantum Retirement Benefit Scheme* (Determinations Panel, 8 Feb 2016). Acting as sole counsel (against Jonathan Evans QC and Fenner Moeran QC), for the Original Trustee who had been removed by the Regulator facing allegations of misconduct, breach of trust, and pensions liberation.
- *Damac Park Towers v Ward* (CA 006/2015, 14 December 2015.) Jonathan was led by Rupert Reed QC on the appeal in the DIFC Courts in Dubai. Rupert and Jonathan, having been brought in for the appeal, overturned the trial judge's decision on the construction of a "reservation agreement" for the purchase of off-plan property in Dubai.



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## Practice Overview continued

- *Matchmove v Dowding* (permission [2015] EWCA Civ 313; full appeal forthcoming.) The dispute concerns constructive trusts, proprietary estoppel and section 2 of the 1989 Act. Jonathan, having obtained permission as sole counsel, is led by [Jonathan Seitler QC](#) for the appeal.
- *Phillips v Francis* [2015] 1 WLR 741. Jonathan acted with [Jonathan Seitler QC](#) for the successful appellant on the leading case on the meaning of 'works' for landlord and tenant consultation purposes.

Recent successes in his own name include appearing in the Court of Appeal (*Matchmove v Dowding* [2015] EWCA Civ 313), winning a heavily-fought 11-day county court trial, and a reported High Court case (*Dany Lions v Bristol Cars* [2014] 2 All ER (Comm) 403.) His cases have been referred to in leading texts such as Chitty, Lewison and the White Book.

## Property

Jonathan's recent reported property cases have ranged from skyscrapers in central London to holiday parks in Cornwall and start-ups in Shoreditch. He covers the full range of property work including mortgage, landlord and tenant and conveyancing issues. A substantial element of his work involves advising on potential issues around transactions, such as rights to light, the construction of restrictive covenants (whether freehold or leasehold) and the leasehold enfranchisement process. He has also contributed to the Conveyancer.

### Recent examples of litigation include:

- *MASNOL v Cripps Harries Hall* [2016] EWHC 2483 (Ch). Led by Jonathan Seitler QC, Jonathan successfully defended two lawyers accused of an £11 million conveyancing fraud arising out of buy-to-let lending in 2007. The case also involved issues around the proper meaning of "redemption" in a mortgage context and the interpretation of CPSEs.
- *Damac Park Towers v Ward* (CA 006/2015, 14 December 2015.) Jonathan was led by Rupert Reed QC on the appeal in the DIFC Courts in Dubai. Rupert and Jonathan, having been brought in for the appeal, overturned the trial judge's decision on the construction of a "reservation agreement" for the purchase of off-plan property in Dubai. The case raised an interesting issue of what amounted to forfeiture in a jurisdiction with no express provision for relief.
- *Matchmove v Dowding* (permission [2015] EWCA Civ 313; full appeal forthcoming.) The dispute concerns constructive trusts, proprietary estoppel and section 2 of the 1989 Act. Jonathan, having obtained permission as sole counsel, is led by Jonathan Seitler QC for the appeal.
- *Phillips v Francis* [2015] 1 WLR 741. Jonathan acted with Jonathan Seitler QC for the successful appellant on the leading case on the meaning of 'works' for landlord and tenant consultation purposes.
- *Reedbase v Fattal* An 11-day county court landlord and tenant trial. Claim for unpaid rent and counterclaim for alleged disrepair arising out of works done to a roof terrace of a penthouse overlooking the Regent's Park. Jonathan acted for the successful landlord in recovering the rent and defeating arguments on the repairing covenant and the 1985 Act consultation regime. An appeal is listed for spring 2017.
- *Century Projects v Almacantar* [2014] EWHC 394 (Ch) Acting with [Jonathan Seitler QC](#), on a number of related disputes over the restaurant at the top of the Centre Point Tower on Oxford Street. Jonathan and Jonathan successfully resisted an interim injunction.

### Jonathan's advisory work has included:

- Advising in relation to rights to light issues on a major proposed development in central London.
- Advising a major UK retail tenant of their service charge liabilities following a change in apportionment by the landlord.



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## Property continued

- Advising a right to manage company on its position regarding disgruntled former director tenants.
- Leasehold enfranchisement – providing advice to both landlords and tenants and drafting notices or counter-notices where appropriate.
- Considering the extent of the demise of long leases of residential property where there are proposals to develop the basement or the roof space.