

## Stephen Eccles

Partner



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Stephen Eccles studied Law at Durham University, graduating in 1983 before completing his Law Society Finals (as they were then) at University of London.

Stephen was articled to Myles Hickey of Dowse & Co, a leading Legal Aid firm specialising in Personal Injury, Criminal Law and Property Law, qualifying as a solicitor in 1986.

Stephen then worked in the West End undertaking Civil Litigation work for National and International clients before joining Kingsfords where he headed a Civil Litigation Team of 7 lawyers.

Stephen joined Talfourds as a partner in 1997 heading its Dispute Resolution department. Talfourds merged with Pinney Rogers in 2009 to become Pinney Talfourd LLP. Under Stephen's guidance, Dispute Resolution has expanded and specialised into a number of departments as follows:

- Property Litigation;
- Contentious Probate;
- Employment;
- Personal Injury;
- Clinical Negligence;
- Commercial Litigation.

Stephen now exercises overall supervision of Litigation within the firm whilst specialising in Property Litigation. The Property Litigation Department comprises 5 Solicitors and 1 Trainee Solicitor. Both Residential and Commercial Property is dealt with.

### Upminster

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## EXPERTISE

Stephen concentrates on Landlord and Tenant Act (LTA) 1954 work, in particular, the termination and renewal of commercial leases with particular expertise in Section 25, Section 26 and Section 27 work. Dilapidations disputes, title disputes and professional negligence claims arising out of 1954 Act work and more general real property work make up the balance.

Mediation and Alternate Dispute Resolution (ADR) are encouraged and Stephen has extensive experience of the successful use of the same to resolve disputes.

Stephen acts for nationwide corporates, one of which has 1600 leasehold properties where Stephen is the client's primary external solicitor and demonstrates organisational ability to deal with such a substantial portfolio of work.

Stephen's expertise in property litigation covers:

### Residential Property Litigation Expertise

- Service Charge Disputes
- Rights to Light
- Right to Manage
- Right of First Refusal
- Restrictive Covenants
- Residential Tenant Disputes
- Residential Landlord Disputes
- Property Related Professional Negligence
- Property Related Insolvency
- Possession Orders & Proceedings
- Party Wall Act Claims
- Lease Extensions
- Houses in Multiple Occupation
- Enfranchisement
- Boundary Disputes
- Adverse Possession

### Commercial Property Litigation Expertise

- Subletting, Alterations or Change of Use Disputes
- Site Assembly Issues & Development Agreement Disputes
- Rights to Light
- Restrictive Covenants
- Recovery of Rent & Service Charge Disputes
- Recovery of Premises or Land from Squatters or Unlawful Occupiers
- Property Related Professional Negligence
- Property Related Insolvency
- Opposed & Unopposed Business Lease Renewals

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- Lease Surrender Negotiations
- Forfeiture & Relief From Forfeiture
- Dilapidations Claims
- Break Notice

## BADGES AND AWARDS

Legal 500 describes Stephen as “knowledgeable and confident”. He is a member of:

- Property Litigation Associate (PLA) – <https://www.pla.org.uk/>
- ALEP – <https://www.alep.org.uk/>
- London Solicitors Litigation Association – <https://www.lsla.co.uk/>

## ON A PERSONAL NOTE

On a personal note, Stephen runs half marathons (personal best Great North Run, 1 hour 29 minutes) and Marathons (London 2022 – 4 hours 30 minutes) and endeavors to stay flexible through yoga practice and competitive sailing most weekends (if there is wind!). Music and Reading takes up any other spare time.

## Areas of Expertise

### Property Litigation

Stephen is an experienced litigator who has a wide range of experience in complex and high value litigation. He regularly advises high net worth clients with complex businesses, property portfolios and assets.

In particular, Stephen acts for a nationwide estate agency chain whose portfolio includes 1400 leasehold properties.

Legal 500 describes Stephen as “knowledgeable and confident”.

Mediation and Alternative Dispute Resolution is actively encouraged, and Stephen’s experience of the mediation process is invaluable in assisting clients to reach settlements.

Where settlement is not possible, Stephen has extensive trial experience and works with leading barristers chambers in London including Tanfield Chambers, to get results for his clients.

Although specialising in Property Litigation, in particular contested 1954 Act lease matters and all issues arising from Section 25, Section 26 and Section 27 Notices, his litigation experience extends to high value Personal Injury, Clinical Negligence, Environmental Protection, Professional Negligence and Construction Claims.

### Residential Property Litigation Expertise

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- Dilapidations Claims
- Break Notice

## Commercial Property Litigation

### Notable Commercial Property Litigation cases

Acting for the Claimant in the Court of Appeal case of Toprak Enerji Sanayi A.S v Sale Tilney Technology (1994) [3 All England Reports 483]. A decision concerning a payment into Court and the ability of the Claimant to retain the benefit in circumstances where the Claimant had merged with another corporate entity.

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The Court of Appeal Case of Carbon Smart v Prevista Ltd a breach of contract claim concerning the EMPU winning substantial damages and costs for a company specialising in carbon capture.

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## Residential Property Litigation

### Notable Residential Property Litigation cases

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Wilson V Evans [The County Court at Romford, September 2022]. Successfully defending a claim for misdescription on the sale of a residential property said to be infested with Japanese Knotweed. Successful at trial, claimant ordered to pay all the defendants' costs. Case dealing with the TA6 document (Property Information Questionnaire) used in standard residential conveyancing. Demonstrated specialist knowledge of CPR Part 35 and the use of experts.

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Acting for a client hedge fund which had purchased a shopping centre/office block which was subject to "concrete cancer" which the surveyor had missed. Successfully bringing a claim to recover damages for breach of contract and/or negligence.

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Acting for the owner of a 52 flat block to recover possession of it from a social landlord and obtaining compensation for damages for loss of use and physical damage to the premises.

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Acting for a developer where a block of flats was fire damaged and there was no valid insurance effected on the property. Property insurance had been in the course of renewal via brokers, a successful action was brought against the brokers for compensation and a full recovery made.

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Acting for a national corporate client with a very substantial portfolio of leasehold properties (1600) where one of its leasehold properties was said to have lost renewal rights under the 54 Act. Issuing proceedings to correct the loss of renewal rights, negotiating and concluding a 54 Act renewal of the said premises on best terms possible. Subsequently being instructed to recover losses incurred from the solicitors that had acted.

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Acting for a commercial freeholder of a large industrial estate in respect of adverse possession, rights of way,

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development rights and rent recovery. The defendant was based in Scotland, jurisdictional issues were successfully dealt with, and favourable settlement reached after mediation.

## Memberships

- Association of Leasehold Extension Practitioners (ALEP)
- London Solicitors Litigation Association

## Awards



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