



Kerry Bretherton KC

Year of call: 1992 | Silk: 2016

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“an accomplished silk with a wealth of expertise in real estate litigation” Chambers and Partners 2022

Kerry Bretherton KC is recognised as an outstanding silk in property work. She has acted in the Supreme Court and Court of Appeal in a number of the leading property cases and was nominated for property litigation silk of the year by Legal 500 in 2022. Kerry litigates and advises in all aspects of property, and property development. She also acts in commercial disputes often arising out of development or property transactions and associated professional negligence. Typically, her work involves high value and complex disputes.

Kerry is *“ferociously tenacious”* and *“excellent on her feet”*. She is also *“Fantastic to work with nothing is too much trouble and her response times are amazing”*.

Kerry is experienced in the full range of property disputes including options and overage, freehold covenants, restrictive covenants, easements, commercial and residential landlord and tenant, conveyancing disputes, mortgages, nuisance, public rights of way, trusts, and she has a particular interest in building safety work. Her commercial and professional negligence work involves disputes arising out of development/property matters.

Kerry is co-author of *“The Electronic Communications Code: A Practical Guide”* the 2nd edition is due for publication in May 2023 and a contributor to *“Service Charges and Management 5th Edition”*.

Areas of expertise

Property and Real Estate Litigation

Landlord and Tenant

Commercial Disputes

Highways, Footpaths and Rights of Way

Town or Village Greens, Commons and Public Rights of Way

Alternative Dispute Resolution

Professional Negligence

Commercial Disputes

Kerry deals with commercial disputes, primarily those arising out of property transactions.

Cases of Note

- ***In the matter of a construction contract*** - This case concerned a multi-million pound contract for provision of construction materials. Kerry advised regarding this construction contract and the construction of a termination clause in circumstances where there were substantial delays in delivery. The issues concerned included the question of whether the contract was frustrated.
- ***In the matter of a dispute between a freehold and managing agent*** - Kerry acts in a dispute between the freeholders of some 32 estates and the former managing agent. The issues concerned involve questions of whether there was repudiatory breach of contract, construction of the contracts and the duty of care owed to the freeholders.
- ***Jatinder Singh v (1) Jasminder Tiwana (2) Global Freight Systems Ltd*** - Kerry acted in a dispute about whether the Petitioner was a member of the Company and/or whether the register should be rectified. The dispute concerned allegations about whether shares had been signed by her client and the circumstances in which they came to be executed. Kerry succeeded for the petitioner in establishing that the transfer was invalid.
- ***A company v A mortgage lender*** - Kerry acts in this dispute about a commercial bridging loan and a dispute about the sums which were advanced to a company. There are disputes about the circumstances in which the loan was granted and to which sums were received by the company as well as issues about the extent of the loan agreements.
- ***In the matter of post-completion payments*** - Kerry advised in relation to a dispute about post completion payments due under a contract for sale in the event of planning permission being granted.
- ***In the matter of a rooftop lease of telecommunications masts*** - Kerry advised a land-owner in dispute with the operator of telecommunications equipment which urgently required the removal of telecommunications masts from the roof to enable a high value development to proceed.
- ***London & Quadrant Housing Trust Ltd v Prestige Properties [2013] EWCA Civ 130*** - Kerry succeeded for the landowner in relation to forfeiture of land which was considered by the occupant to be a ransom strip. Following those proceedings Kerry succeeded in an application for personal costs orders against the director and shadow director in a case which was appealed to the Court of Appeal.

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