



Kerry Bretherton KC

Year of call: 1992 | Silk: 2016

Email: kerry.bretherton@39essex.com

“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

Landlord and Tenant

"She is thorough, incredibly astute, generous with her time and of course her knowledge speaks for itself." Chambers 2022

Kerry is an expert in all aspects of commercial, agricultural and residential landlord and tenant including all 54 Act work, agricultural and farm business tenancies, forfeiture, rent reviews, and breach of covenant.

Cases of Note

- ***Re a bar in central London*** - Kerry acted for a tenant of premises in central London in an application for relief from forfeiture of commercial premises. She acted in an urgent application for interim relief to enable the Claimant to recommence trading.
- ***Pile v Pile [2022] EWHC 2036 Ch.*** - Kerry succeeded in an appeal in a case involving a dispute between brothers who had formerly been in partnership running a farm. There were disputes about land used for agricultural purposes and other land used for commercial purposes. The issue in the appeal was whether Kerry's client was entitled to unilaterally serving a notice to quit to determine the tenancy. The High Court accepted Kerry's arguments that it was not possible to prevent a joint tenant from serving such notice.
- ***In the matter of an appeal against an arbitration award concerning a rent review*** - Kerry acted for the tenant of a large building in London in a rent review. Arguments concerned the construction of the lease and the extent to which time was of the essence and whether notices served by the landlord were valid.
- ***Alexander David v LB Hammersmith & Fulham LBC [2009] EWCA Civ 259; [2010] Ch. 252; [2010] 2 W.L.R. 1126*** - This case remains the leading case on the granting of tenancy for minors in which Kerry succeeded in the Court of Appeal in establishing that the landlord had not granted a legal estate to a minor.

London

81 Chancery Lane,
London
WC2A 1DD
Tel: +44 (0)20 7832 1111
DX: London/Chancery Lane 298
Fax: +44 (0)20 7353 3978

MANCHESTER

82 King Street,
Manchester
M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE

Maxwell Chambers,
28 Maxwell Road,
WC2A 1DD
04-03 & 04-04, Maxwell Chamber
Suites
Singapore 069120
Tel: +65 6320 9272

KUALA LUMPUR

#02-9, Bangunan Sulaiman
Jalan Sultan Hishamuddin,
50000 Kuala Lumpur,
Malaysia
Tel: +60 32 271 1085

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clerks@39essex.com • DX: 298 London/Chancery Lane • 39essex.com