



Rebecca Cattermole

Year of call: 1999

Email: rebecca.cattermole@39essex.com

“Rebecca is exceptionally intelligent and knows how to translate complex matters into straightforward language for our clients.” Chambers UK 2023

Rebecca is recognised as a leading junior in property and agricultural work. She specialises in property and all aspects of landlord and tenant law. She has a particular interest in developments and agricultural land focusing on restrictive and freehold covenants, easements and complex issues surrounding the recovery of land.

Recent notable cases include the first appellate case in England and Wales on the availability of equitable set-off to defeat a notice to quit pursuant to Case D, Sch.3 Agricultural Holdings Act 1986, *Spencer v Secretary of State for Defence* [2019] EWHC 1526 (Ch); [2019] 1 WLR 6065; the proprietary estoppel case of *Windsor- Clive v Rees* [2021] EWHC 3180 (Ch); forfeiture/ subletting case of *Bedford v Paragon Asra Housing Ltd* [2022] L&TR 7 and the recent Court of Appeal decision in *Stampfer v Avon Ground Rents* [2022] EWCA Civ 1375; [2022] 1 WLR 68 on recovery of administration charges for collection of ground rents.

Rebecca is a contributor to three editions of *Service Charge and Management: Law & Practice*, Halsbury's Laws and *Jowitt's Dictionary of English Law (Landlord and Tenant)*.

Rebecca is a fellow of the Agricultural Law Association and member of the Property Bar Association and Ecclesiastical Law Association.

She has been recommended in real estate and agriculture in Chambers UK and Legal 500 (Tier 1) for a number of years.

Areas of expertise

Agricultural

Property

Property

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Chambers UK 2023 (Real Estate Litigation)

*"Her knowledge is very impressive. Her written work is concise and powerful."*Chambers UK 2022 (Real Estate Litigation)

Rebecca's real property practice covers nuisance, easements, boundary disputes, proprietary estoppel, freehold covenants, and adverse possession. Rebecca has extensive experience in all aspects of landlord and tenant matters including management and service charge disputes; Rent Act tenancies; tenants' rights of first refusal under the Landlord and Tenant Act 1987; lease renewals under the Landlord and Tenant Act 1954; forfeiture of residential and commercial leases; and dilapidations.

Notable cases

- ***Bedford v Paragon Asra Housing Ltd* [2022] L. & T.R. 7** - Jurisdiction of the First-tier Tribunal to consider waiver of right to forfeit on an application to strike out proceedings brought by his landlord
- ***Shearburn Holiday Park Limited* [2021] UKUT 99; [2021] L&TR 32** - Court order providing for no order for costs did not preclude the landlord from recovering costs through the service charges
- ***Secretary of State for Defence v Spencer* [2019] EWHC 1526 (Ch); [2019] 1 WLR 6065** - Equitable set-off of unliquidated claims for damages invalidating a notice to pay under the Agricultural Holdings Act 1986
- ***Catalyst Housing Limited v Martin* [2018] EWCA Civ 1206** - Succession to an assured tenancy
- ***Tedworth North Management Ltd v Miller* [2016] UKUT 522 (LC)** - Recoverability of service charges for window repairs
- ***McDonald v McDonald* [2016] UKSC 28; [2017] AC 273; [2016] 3 WLR 45; [2017] 1 All ER 961** - Proportionality of eviction by private sector landlord under Human Rights Act 1998, 6(1) and article 8 ECHR
- ***Hemmise v Tower Hamlets LBC* [2016] UKUT 109 (LC)** - Issue estoppel on interpretation of lease
- ***Rosslyn Mansions Tenants' Association v Winstonworth Ltd* [2015] UKUT 11 (LC)** - Discretion of tribunal in granting certificate of recognition to a tenants' association
- ***Amicus Horizon Ltd v Mabbot* [2012] EWCA Civ 895** - Succession by partner not living together as husband and wife
- ***Hewitt v Windsor & District Housing Association* [2011] EWCA Civ 1096** - Tenancy by deception
- ***Hastoe Housing Association v Ellis* [2007] EWCA Civ 1238** - Jurisdiction of court to make an order by consent based on undertakings in the absence of a claim for an injunction

Recommendations

- *"Rebecca is exceptionally intelligent and knows how to translate complex matters into straightforward language for our clients."* *"Rebecca Cattermole is very methodical and precise with her arguments."* Chambers UK 2023
- *"She is excellent at getting to grips with the technicalities."* *"Her knowledge is very impressive. Her written work is concise and powerful."* Chambers UK 2022
- *"She is excellent at getting to grips with the technicalities."* Chambers UK 2022
- *"She is a knowledgeable counsel who is particularly good for complex cases involving Equality Act issues."* *"She's impressive, straightforward and has a good sense of strategy."* Chambers UK

2022

- *"Approachable, commercially minded and efficient. Her draftings are very user-friendly and easy to understand. She'll negotiate in a sensible way."* Chambers UK 2021
- *"She is a really focused agriculture specialist. She is really reliable and her advocacy is really good. Rebecca is fair and measured in her approach. She is bright, sensible and always thinks strategically."* Chambers UK 2021
- *"She is established and well known. She's very good and a tough opponent. She is impressive."* Chambers UK 2021
- *"She is bright, efficient, and more confident on her feet than many of the incumbents, a serious challenger for property work."* Legal 500 2021
- *"Very thorough, tenacious, excellent advocate."* Legal 500 2021 (Social Housing)
- *"She has a very good manner, particularly with lay clients."* *"She is tough and tenacious, but firmly on your side and user-friendly."* *"She is very technical and evaluates literally every avenue."* Chambers UK 2020

Publications

- Service Charges & Management: Law & Practice 3rd and 4th Editions (Sweet & Maxwell)
- Contributor to Halsbury's Laws of England, Local Government, Vol 69
- Contributor to Jowitt's Dictionary of English Law (Landlord & Tenant and Housing)
- Co-author of Anti-Social Behaviour & Disorder: Powers & Remedies (with Scott Collins), 2nd Edition, Sweet & Maxwell (2006)
- Co-author of Anti-Social Behaviour & Disorder: Powers & Remedies (with Scott Collins), Sweet & Maxwell (2004)
- Numerous articles in Landlord and Tenant Review, Agricultural Law Association Journal, Property Law Journal

Qualifications and Memberships

Qualifications

- BA Hons (Bristol)
- Fellow of the Agricultural Law Association

Memberships

- Agricultural Law Association
- Property Bar Association
- Ecclesiastical Law Association

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