

EWAN PATON

CALL: 1996

"He is very experienced, reliable and thorough in his advice." "Ewan is very level-headed and calm." "Extremely well prepared and very robust."
Chambers UK 2021

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Ewan practises extensively in the traditional chancery areas of property, wills and estates, landlord and tenant and professional negligence claims relating to those areas. He has sat part time as a Chair of the RPT/LVT in Wales since 2008, and began his career as an academic.

PRACTICE AREAS

- Property & Estates
 - Professional Negligence
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PROPERTY & ESTATES

REAL PROPERTY

All aspects of the law of real property, including title, boundaries, adverse possession, easements, covenants, options and trusts of land. Ewan's analytical and advisory work has regularly been praised in Chambers UK (see below), and includes matters ranging from private client easement disputes to multi-million pound developments. Ewan's recent clients have included major renewable energy and railway companies, charities, developers and local residents' associations and action groups.

LANDLORD & TENANT

Ewan has an extensive LTA 1954 practice, including as clients some major national retailers. He regularly gives seminars on commercial landlord and tenant developments, on the 1954 Act and general issues such as break clauses and liability for repairs. He also deals with all aspects of residential landlord and tenant law, ranging from the last remaining Rent Act tenancies to long leasehold extensions and LVT claims.

WILLS, ESTATES & INHERITANCE

Ewan advises and acts on all aspects of the law of succession, including the validity and interpretation of wills, the duties of executors and administrators and claims for provision against estates, via the 1975 Act and estoppel. A trained mediator himself, he frequently advocates and represents clients in early mediations or negotiations of estate-based claims.

SIGNIFICANT CASES

- Baker v. Craggs [2016] EWHC (Ch.)
 - Jones & Others v First Greater Western Limited [2013] EWHC 1485 (Ch), and in Court of Appeal at [2014] EWCA Civ 301- Legality of taxi permit scheme at Bristol Temple Meads station.
 - Two Rivers Housing v. Harrison (Bristol County Court, HHJ McCahill QC, 21/10/11) - recovery of service and estate charges from freehold 'right to buy' owners: the Forest of Dean "grass cutting" case
 - Cook v Thomas [2010] EWCA Civ 227 - Proprietary estoppel claim against farm owner.
 - Morgan v Fletcher [2010] 1 P & CR 17- Section 35 LTA 1987 and service charge contribution proportions: no jurisdiction if contributions equal 100% exactly
 - Eaglestone Limited v. North Somerset DC- LVT (Southern) 1/12/08 - House in multiple occupation (HMO) and "only or main residence" test in relation to migrant workers
 - Hitchman v Wilbraham [2007] 151 SJLB 747- Interference with rights of way and drainage.
 - Jones v Scott [2006] NPC 121 - Prescriptive rights of way.
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PROFESSIONAL NEGLIGENCE

Ewan advises and acts in professional negligence claims arising out all of the above areas, typically involving the mishandling of conveyancing, estates or property litigation. He has frequently advised clients on claims arising from lost or unsecured overage payments, loss of claims through limitation or adverse compromises, and failure to pursue clients' best points. His principal aim in such matters is to encourage early settlement through the use of clear and persuasive protocol letters and round table negotiation.

RECOMMENDATIONS

CHAMBERS UK 2021

Chancery

Band 1

Traditional chancery practitioner with a specialism in landlord and tenant matters and property litigation, including commercial and residential leasehold cases. He also handles wills, estate and inheritance matters, and acts as a mediator in property and chancery disputes.

Strengths: "He is very experienced, reliable and thorough in his advice." "Ewan is very level-headed and calm." "Extremely well prepared and very robust."

Recent work: Acted for the executors of an estate to successfully defeat a propriety estoppel claim for the whole of a farm.

Real Estate Litigation

Band 1

Accomplished junior advocate with experience in the full spread of real estate issues, from boundaries and easements to landlord and tenant disputes. He has experience of proprietary estoppel claims, rent claims and eviction notices. He has also appeared in a number of trials linked to high-value developments. He is also a part-time judge in the First-tier Tribunal.

Strengths: "He gets to grips quickly with technical issues but at the same time is good at giving practical commercial advice." "Ewan provides very thorough and technical advice and pleadings. He is easy to talk to and is able to adapt quickly to changing situations."

Recent work: Acted in a claim for rescission of the purchase of a £1 million equestrian property for alleged misrepresentations regarding a nearby American-style motel development.

LEGAL 500 2021

Chancery, Probate and Tax

'Thorough research, considered advice, good after-sales follow up, good with clients and good advocate with Court of Appeal successes behind him. Very good both in writing and in conference. His academic background shows through in his clear analysis and explanation of points.'

Ranked: Tier 1

Property and Construction

'Very clear, detailed and decisive advice.'

Ranked: Tier 1

CHAMBERS UK 2020

Chancery

Traditional chancery practitioner with specialism in landlord and tenant matters and property litigation, including commercial and residential leasehold cases. He also handles will, estate and inheritance matters, and acts as a mediator in property and chancery disputes. He also sits as a part-time judge in the First-tier Tribunal.

Strengths: "He is approachable and has vast experience in this area of law." "He is extremely detailed and knowledgeable and can pick out the details that will progress a case." Recent work: Acted on behalf of the joint trustees in bankruptcy in several applications arising out of a bankruptcy and the death of the bankrupt. Paton successfully defended applications to annul the bankruptcy and discharge the freezing orders.

Real Estate Litigation

Accomplished junior advocate with experience in the full spread of real estate issues, from boundaries and easements to landlord and tenant disputes. He has experience of proprietary estoppel claims, rent claims and eviction notices. He has also appeared in a number of trials linked to high-value developments. He is also a part-time judge in the First-tier Tribunal

Strengths: "He provides well-prepared and academic advice but it is set out and phrased in such a way that clients have no doubt as to their position." "Efficient and effective." Recent work: Successfully established a vehicular right of way for the benefit of industrial land.

LEGAL 500 2020

Property

"Intelligent, persuasive, and thorough."

CHAMBERS UK 2019

Chancery

Traditional chancery practitioner with specialism in landlord and tenant matters and property litigation, including commercial and residential leasehold cases. He also handles will, estate and inheritance matters, and acts as a mediator in property and chancery disputes.

"He is very bright. I know if I go to him I will get correct, speedy and easy to understand advice. He has got a very good manner with clients; he listens to them, tells them how it is, and always gives realistic advice." "He is extremely competent and has an excellent, well-deserved reputation. His paperwork is excellent and his legal analysis is spot on."

Recent work: Successfully defended a claim for damages in excess of £2 million arising from the development of a lakeside holiday park in the Cotswolds.

Real Estate Litigation

Accomplished junior advocate with experience in the full spread of real estate issues, from boundaries and easements to landlord and tenant disputes. He has experience of proprietary estoppel claims, rent claims and eviction notices. He has also appeared in a number of trials linked to high-value developments.

"He is authoritative and well researched. His advocacy is fluent and assured and his advice is consistent and reliable." "Super approachable and always very well prepared."

Recent work: Acted in Wild Duck v Smith successfully defending a claim for more than £2 million in damages arising out of the development of a Cotswold lakeside holiday park.

LEGAL 500 2019

Property

'His advocacy is impressive and he provides astute advice.'

CHAMBERS UK 2018

Chancery

Leading Junior - Band 2

Traditional chancery practitioner with specialism in landlord and tenant matters and property litigation, including commercial and residential leasehold cases. He also handles will, estate and inheritance disputes.

Strengths: "He's extremely knowledgeable, he gives clear advice. He provides really good advocacy, he's very confident and he's able to pick things up quickly." "He's a nice guy and intellectually he's good."

Recent work: Acted for the George Muller Charitable Trust in a First Tier Tribunal Property Chamber case regarding the definition of a religious community for the purposes of HMO regulations.

Real Estate Litigation

Leading Junior - Band 2

Accomplished junior advocate with experience in the full spread of real estate issues, from boundaries and easements to landlord and tenant disputes. He has appeared in a number of trials linked to high-value developments.

Strengths: "A very knowledgeable property lawyer." "Very thorough and very diligent. His written work is excellent and he is approachable and easy to use."

Recent work: Acted in Baker v Craggs, a case concerning whether easement granted by a vendor overreached conveyance.

LEGAL 500 2017

Property

Leading juniors

'Calm, methodical and reliable.'

CHAMBERS UK 2017

Chancery

Leading Junior - Band 2

An experienced traditional chancery practitioner who acts for clients in landlord and tenant, real property and estate matters. His particular focus is on real property litigation and inheritance disputes.

Strengths: "A go-to barrister for anything tricky in probate. He is comfortable with procedure and tends to see solutions very clearly."

Recent work: Acted for client in an adverse possession case concerning a courtyard.

Real Estate Litigation

Leading Junior - Band 2

Strong property junior with significant experience in residential landlord and tenant matters and real property law. He comes highly recommended for his probate expertise, and has notable insight into professional negligence-related claims.

Strengths: "He is very academic, and very good at ploughing through a lot of detailed documents. His written advice is always interesting."

Recent work: Successfully acted for the defendant in a registered land dispute concerning adverse possession of a courtyard.

LEGAL 500 2016

Property

Leading juniors

'He produces very effective pleadings but remains personable and commercial.'

CHAMBERS UK 2016

Chancery

Leading Junior - Band 2

A traditional chancery barrister with expertise in property disputes, including rights of way cases. He also works in contentious probate.

Strengths: "He is calm and patient with clients and soon gains their confidence. He is knowledgeable, presents his case well and is respected by judges."

Recent work: Successfully defended with client in a right of way interference case.

Real Estate Litigation

Leading Junior - Band 2

A real estate property specialist, regarded as a go-to barrister for any type of real estate dispute including property-related professional negligence claims. He has considerable experience in landlord and tenant issues and right of way disputes. He is a qualified mediator.

Strengths: "He is very, very bright, extremely knowledgeable and he always gives great added value."

Recent work: Acted for First Greater Western in the case Jones and Other v First Greater Western Limited, detailed above

LEGAL 500 2015

Property

Leading juniors

'Analytical and hardworking'.

In 2014, Ewan Paton was successful in a structural repair and property damage claim against a landlord.

CHAMBERS UK 2015

Chancery

Leading Junior - Band 2

Has forged a practice centred around traditional chancery and, in particular, real property work. He frequently acts in landlord and tenant disputes, and contested estates cases.

Expertise: "A very impressive adviser and advocate."

Recent work: Advised the trustees of a rugby club in a dispute concerning the ownership of land and other club assets.

LEGAL 500 2014

Property

Leading juniors

'His practice covers all aspects of real property, including title, easements and covenants'.

CHAMBERS UK 2014

Chancery

"A solid reputation for traditional chancery matters...he gives good, sound advice on difficult issues".

Real Estate Litigation

"Handles the gamut of real estate litigation and wins praise from market commentators. He is noted as a very thorough and efficient lawyer...he provides excellent written advice with enough legal points to satisfy lawyers, whilst maintaining clarity for clients."

CHAMBERS UK 2013

Chancery

"A go-to practitioner for traditional chancery matters, including landlord and tenant disputes and contentious probate and trusts work...A client characterised Paton as being 'one of these incredibly thorough people who will answer your questions and then answer the questions you didn't ask but should have.'"

LEGAL 500 2012, 2013

Noted for his Chancery practice

CHAMBERS UK 2012

Chancery

"...attuned to all aspects of property law, Ewan Paton is commended for his skill and his commanding presence in court. His practice is overwhelmingly property-focused".

CHAMBERS UK 2011

Chancery

"...A thorough barrister with a cool temperament...held in great esteem". Also highlighted for property work Chambers UK 2009, 2010, and in 2006 as a junior with a "burgeoning practice" who has "got it intellectually...He cuts to the chase and doesn't press bad points".

LEGAL 500 2010

An "excellent young advocate".

APPOINTMENTS:

- Appointed as a part time Chair of the Residential Property Tribunal in Wales, from 2008. The Welsh Tribunal retains for now its titles and jurisdictions such as Residential Property Tribunal and Leasehold Valuation Tribunal, whereas the equivalent jurisdictions in England are now part of the First Tier Tribunal system
 - Ewan has sat on and delivered written decisions in a number of cases including service charge disputes, Housing Act 2004 matters and procedural issues
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MEMBERSHIPS:

- Western Circuit
 - Chancery Bar Association
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EDUCATION:

- MA, New College, Oxford
 - BCL, New College, Oxford
 - Mearns Castle High School, Glasgow
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RECENT NEWS

- The eleventh edition of Preston & Newsom's Restrictive Covenants Affecting Freehold Land (Sweet & Maxwell) is now published
 - Ewan Paton successfully appeared for the Claimants in the case of Powell v Ash, in which judgment was given on 17th February 2020 in the County Court at Central London (HHJ Monty QC)
 - Ewan Paton has been appointed a part-time Judge of the First Tier Tribunal, Property Chamber (Land Registration)
 - Ewan Paton successful on appeal in Wild Duck Limited v Smith [2018] EWCA Civ 1471
 - Ewan Paton successful on appeal in Baker v Craggs [2018] EWCA Civ. 1126 on Law of Property Act overreaching
 - Ewan Paton - Speaking at the BLS Property Conference - 21st September
 - Welcome to another edition of the Guildhall Chambers Property & Estates Team Newsletter, June 2016
 - Property & Estates E-News - Court Of Appeal Decision In Parmar v Upton - December 2015
 - Guildhall Chambers quiz night goes down a "sturm" - September 2015
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