

## EWAN PATON

CALL: 1996

"Super approachable and always very well prepared."  
*Chambers UK 2019*

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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.

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## 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 of 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.

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## RECOMMENDATIONS

- [Chambers UK 2014](#)
  - [Chambers UK 2013](#)
  - [Chambers UK 2012](#)
  - [Chambers UK 2011](#)
  - [Legal 500 2010](#)
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## 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

- 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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