



## Rachel Bale

**Year of Call:** 2019

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### Property and Estates

Rachel is a specialist property practitioner, with a particular emphasis on the law of landlord and tenant and residential property. Her work spans the breadth of residential and commercial, representing both landlords and tenants in the private and public sector.

Rachel provides advice, drafts pleadings, and offers strong advocacy skills in this area. She is experienced in dealing with a range of claims dealing with evictions, claims for non-protection of deposits, breaches of covenant, dilapidations, and anti-social behaviour.

Rachel's property practice includes the following areas:

- Disrepair claims (including advising on liability and quantum)
- Tenancies including those pursuant to Housing Act 1985, 1998
- Commercial leases including termination of Landlord and Tenant 1954 Act tenancies
- Claims relating to Tenant Fees Act 2019 and Housing Act 2004
- Adverse possession
- Trespass/ Nuisance claims (including floods).
- Easements/ Rights of Way

### Chancery

Rachel is a specialist traditional chancery practitioner, with a growing practice in private client work. Rachel has experience in contentious probate and estate matters, including bringing and defending financial provision claims under the Inheritance (Provision for Family and Dependents) Act 1975, along with interim applications for the proper administration of estates often appearing in the High Court.

Further Rachel has particular expertise with TOLATA, proprietary estoppel, injunctive relief and other equitable claims. In particular, Rachel has had the following successes:

- Successful application to set aside secured charge on client's property on the basis of undue influence and lender's failure to make proper investigations.
- Negotiated settlement between high-net-worth cohabitantes, involving a factual disagreement as to whether sums given were a 'loan' or 'gift' high value.

## Articles

3PB's Rachel Bale considers expectation vs reality in a recent Supreme Court judgment - Guest and another v Guest [2022] UKSC 27. The case discussed the correct approach in calculating the type and amount of equitable relief to be awarded where proprietary estoppel has been made out. This case involved a family dispute over, Tump Farm, a working dairy farm which has been owned by the Guest family since 1938. An interesting aspect of this case is that the court had to consider how to deal with promises of future inheritance where the promisor is still alive. As is often the case with familial issues, the solution is not necessarily clear-cut...

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## Recommendations

"Another great example of a rising star at 3PB! First class service, great with the client, meticulous and the result speaks for itself on this case" - Instructing solicitor

"Rachel approached my case meticulously. She explained everything to me in a very concise manner, which gave me a lot of confidence before we went into court. She is an asset to your services at 3PB." - Lay client following possession matter

"Rachel is an outstanding advocate and provided valuable and thorough advice in this matter. Her intricate scrutiny of the Claimant's claim in a short timescale assisted us in achieving a positive result for the Client." - Instructing solicitor

"Rachel dealt with a last-minute hearsay application notice completely in her stride in a cool calm and collected manner. She went above and beyond her instructions achieving a winning outcome for the client. I would not hesitate to instruct her again." - Instructing Solicitor

## Academic qualifications

- University of Kent, LLB English and French Law: First Class Honours
- University of Law, London, LLM Legal Practice: Distinction
- University of Law, London, BPTC: Very Competent
- Paris I-Panthéon Sorbonne University: Certificate in Droit Civil (in French)

## Scholarships

- Major Exhibition Award - Inner Temple
- Duke of Edinburgh Award - Inner Temple
- H Case Ellis Spirit of Mediation Award - International Mediation Competition, Chicago (Finalist mediator of 400competitors)

## Professional bodies

- Property Bar Association
- Chancery Bar Association
- Family Law Bar Association
- Advocate Pro Bono Recognition List