

Jamie Johnston

Year of Call: 2016
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Property and Estates

Jamie Johnston provides a calm and steady hand in all property law cases, particularly real property and commercial lease litigation. He is as comfortable cross-examining expert witnesses as he is providing reassurance to a direct access client. He combines deep legal knowledge and a forensic attention to detail with a healthy dose of pragmatism.

Boundary disputes, trespass and adverse possession

Jamie is first-choice counsel for many solicitors in boundary disputes, rights of way and breach of covenant claims. He is very experienced in multi-faceted cases that have multiple grounds of claim such as trespass, nuisance, possession and harassment. He provides clear advice in writing or conference, drafts robust pleadings and is compelling at trial. Some of his recent work in boundary dispute and trespass claims has included:

- Advised and represented direct access clients for a three-day trial in a residential boundary dispute, involving multiple expert and lay witnesses.
- Advised a client on a rural boundary dispute concerning grazing fields.
- Advising and drafting particulars for a claim of harassment and trespass in a boundary dispute.
- Obtaining findings of breach of licence and trespass in a claim for possession against travellers who had enlarged their pitch at a council-run site.

Easements and covenants

Jamie regularly advises and represents clients in cases concerning covenants, rights of way and other easements. This ranges from commercial landowners seeking to enforce restrictive covenants to advising homeowners on the scope of rights of ways benefiting or crossing their property.

Trial concerning scope of an easement for utilities and right to re-route. Won at trial and obtained indemnity costs.

Trial representing homeowner whose commercial neighbour asserted an easement over the homeowner's rear yard. Succeeded in having the claim struck out and recovered indemnity costs.

- Advising a direct access client and drafting particulars of claim concerning trespass and scope of a right of way.
- Advising a homeowner on their ability to move a public footpath.
- Advised two neighbours in a dispute against a third concerning easements to park.
- Advising the owner of an exclusive residential estate owner on the enforceability of covenants requiring residents to pay charges.

Landlord and tenant

Jamie has over a decade's experience as a landlord managing properties. When combined with his legal specialism it makes him a formidable yet pragmatic barrister when advising landlords or tenants. He regularly acts in both commercial and residential cases dealing with possession, long lease renewals, disrepair and service charge disputes. He has given seminars on forfeiture and CRAR for several solicitors and for Lexis Nexis.

Recent commercial landlord & tenant work:

- Represented a commercial landlord in section 25 proceedings for breach of covenant where defendants alleged disrepair and multiple other breaches by landlord. Successfully had defence struck out and obtained judgment.
- Advising a direct access landlord of a commercial estate in an ongoing case concerning a right of way. This has included advising in conference, a successful application to amend the defence and successfully resisting amendment of the particulars of claim.
- Working with Michael Tomlinson KC to advise a commercial tenant opposing a section 25 notice.

Recent residential work:

- Several applications for residential tenants seeking extensions of long leases, including a claim against an absent landlord.
- Acting for a landlord, obtained determination in the first-tier tribunal that a residential tenant of a long lease was in breach of covenant and then negotiated surrender of the lease.
- Represented a high-net worth landlord in an arrears and disrepair claim of an exclusive residential property.
- Acted in a claim to enforce a contract for sale of a property sold at auction.
- Advising the owner of a static holiday home in a claim for unlawful repossession and destruction.

Other property work

- Successfully defended proceedings in the First-Tier Tribunal and on appeal to the Upper Tribunal concerning an application to discharge a charge over property.
- Negotiated a door of court settlement to avoid a client having a charge enforced and repossession of their home.
- Advising solicitors as to professional negligence in a defective conveyancing.
- Advising a client in a harassment and trespass claim including serious false allegations made against the client.

TOLATA work

Jamie has been advising on a complex and multi-faceted TOLATA claim for three years which involves multiple grounds of claim against the primary defendants and parallel claims of professional negligence against two other sets of professional advisors. Two sets of proceedings have settled with one approaching resolution.

In addition Jamie has acted for claimants in a number of possession and sale claims following relationship breakdown, obtaining orders for sale in each.

Recommendations

"Jamie is very robust and thorough. He is an outstanding counsel." **Legal 500 2027** editorial

"Jamie…is very good on his feet. He's one of my favourite counsel, and he's very authoritative with clients but also easy-going" **Chambers & Partners 2027** recommendation.

"Jamie is excellent. His drafting is consistently high-quality - clear, precise and carefully thought through….the written work he has produced for us has directly contributed to an excellent outcome for our client." **Legal 500, 2027** recommendation.

Academic qualifications

- BPTC, University of Law - Outstanding
- GDL, University of Law - Commendation
- BA Hons English, University of Birmingham - 2.1

Scholarships

- Exhibition Award - Inner Temple
- Paul Methven scholarship – Inner Temple
- Winner of The Times/Herbert Smith Freehills national student advocacy contest

Professional qualifications & appointments

Appointed to the Disciplinary Panels of:

- UK Athletics
- British Cycling