



# Marc Brittain

**Year of Call:** 1983

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## Property and Estates

Marc Brittain has a longstanding practice in advising and representing clients in court in property disputes, notably in 'mortgage' issues, especially in relation to sub-prime lenders.

His current caseload includes :

- a claim on behalf of a client who purchased a property, or at least he thought he did, only to find that the 'seller' was a fraudster – the issues are the same as in the fairly recent case of Dreamvar;
- a defendant in a "right of light" case – in which we have experts reports with differing modules and other complications;
- a case for a defendant property developer who charged his portfolio to a 'bridger', and where the 'bridger' has alleged a breach of the legal charge leading to receivers being appointed. Marc is in the process of applying for injunctive relief on the basis that although one of the properties was let out to a 'relative' within the meaning of the legal charge, the borrower was his client's company and a company cannot have 'relatives' within the meaning of the prohibition in the legal charge;
- a claim on behalf of another developer who purchased a property in a development in Manchester with a car parking space that is too small to fit a car into, thereby substantially reducing the value of the property;
- a dispute relating to service charges and rent arrears in relation to a property purchased at auction – construction of the lease and auction particulars; and
- a recent liability trial in which the landlord client had served a s.146 notice and then evicted the tenant. The validity of a s.146 notice and thereafter a quantum trial in which various issues were argued. Construction of the lease, election re mesne profits/lost business profits, how mesne profits were to be calculated (by reference to the rent paid under the lease or by reference to the rent at which the landlord was now advertising the premises), exemplary damages were all argued in the case.

He is variously instructed by both solicitors and on a direct access basis, by developers, commercial tenants and property professionals.

## Academic qualifications

BA (Business Law)

## **Professional bodies**

Chancery Bar Association