

Toby Boncey

Called 2013



Toby is a property litigation specialist. Toby has advised and acted for parties challenging arbitral awards, has been appointed under s.37(1)(a)(i) of the Arbitration Act 1996 as a legal adviser in a rent review arbitration (length of hypothetical term for valuation purposes), and appeared in the Court of Appeal in *Great Dunmow Estates Ltd v Crest Nicholson* [2019] EWCA Civ 1683 (jurisdiction of expert pursuant to expert determination provision in development agreement and whether parties bound by surveyors' statement of agreed facts).

Toby's practice covers a wide range of property-related disputes, including all aspects of real property and landlord and tenant law, property development and valuation. His areas of expertise include (but are not limited to):

- Arbitration claims, including Pubs Code arbitrations;
- Claims for rent and service charge arrears;
- Land registration;
- Commercial landlord and tenant, including under the Landlord and Tenant Act 1954, dilapidations, breaches of covenant, consents for alienation, rent review and forfeiture;
- Residential landlord and tenant, including enfranchisement, service charges, right to manage, forfeiture and relief, alterations and nuisance and possession claims;
- Valuation disputes;
- Easements, public rights of way, restrictive covenants, adverse possession and boundary disputes;
- Mortgages;
- Water and riparian rights;
- Party walls;
- Proprietary estoppel;
- Trusts of land;
- Expert determination and the construction of development agreements;
- Compulsory purchase;
- Electronic Communications Code disputes.

Toby is the co-author of a book, "The Electronic Communications Code and Property Law: Practice and Procedure" (Routledge 2018) and regularly gives lectures and writes articles on a range of matters concerning property dispute resolution. Toby has written articles on Pubs Code arbitrations: *The Pubs Code in the spotlight - it is High (Court) time!* (Part 1) L. & T. Review 2020, 24(5), 197-200 (Part 2) L. & T. Review 2020, 24(6), 228-232 (with Jonathan Karas QC and Adam Rosenthal QC), including consideration of Article 34(2) of the CI Arb Rules 2015 on the availability of the right of appeal under ss.68 and 69 of the 1996 Act.