



## **Evie Barden**

Call: 2014

Email: [ebarden@landmarkchambers.co.uk](mailto:ebarden@landmarkchambers.co.uk)

### **Practice Manager**

#### **Mark Ball**

Email: [mball@landmarkchambers.co.uk](mailto:mball@landmarkchambers.co.uk)

Phone: **0207 421 1308**

#### **Harry Feldman**

Email: [hfeldman@landmarkchambers.co.uk](mailto:hfeldman@landmarkchambers.co.uk)

Phone: **0207 421 2485**

#### **Connor McGilly**

Email: [cmcgilly@landmarkchambers.co.uk](mailto:cmcgilly@landmarkchambers.co.uk)

Phone: **020 7421 1304**

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## **Expertise**

Property, Insolvency & Restructuring, Company, Commercial

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## **Overview**

Evie has a successful practice that spans the full range of commercial Chancery and property litigation. She has a particular strength in property cases with insolvency, company or commercial elements.

Evie has acted on a number of property and commercial Chancery cases as a junior. She is also often instructed as sole counsel, frequently appearing in the County Court, the First-tier Tribunal and the High Court.

As well as acting for officeholders, banks, various corporate entities, pension funds, pension funds, charities, local authorities, private individuals, Evie is on the Attorney General's C Panel of Junior Counsel to the Crown and regularly acts for branches of central government and government bodies.

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## Property Law

Evie's practice is focused on property litigation, covering a broad range of residential and commercial property cases. Her experience covers landlord and tenant cases, leasehold enfranchisement, party walls, easements, trusts, and cases involving security interests.

Recent experience includes:

- Advising on a number of COVID-19 related cases, including those relating to the enforceability of covenants during the period, frustration of leases, and recovery of rent and other arrears in light of various moratoria.
- Acting for the Chief Land Registrar in *Longe v Chief Land Registrar* [2020] EWHC 1517 (Ch), a successful application for summary judgment against a claim for *Norwich Pharmacal* relief and/or that the Land Registry had been involved in an unlawful means conspiracy and collusion.
- Acting for the successful respondent in *Dao v Falmouth House Ltd* [2020] EWHC 609 (Ch), an appeal against a master's decision striking out a claim under the Arbitration Act 1996 on the basis that the claim form had been served out of time and the test in CPR r.7.6(3) had not been met.
- Representing the freeholder of a central London block of flats on a number of claims including in a 3-day trial in the First-tier Tribunal (Property Chamber) and on an appeal to the Upper Tribunal.
- Advising and drafting proceedings for the landlord of a shopping centre against a supermarket regarding the construction of service charge provisions in the lease of the supermarket's unit.
- Acting for a bank in relation to a number of mortgage possession proceedings, including in respect of a number of forthcoming claims involving undue influence allegations and issues about subrogation and equitable charges.
- Along with Zia Bhaloo QC, acting as junior counsel for the claimant in a claim for declarations and an account into the sums due to the claimant in respect of rent, estimated to be between £9 million and £11 million, arising out of several hundred residential properties which the claimant supplied to a local housing authority pursuant to oral agreements.
- Along with Zia Bhaloo QC, acting as junior counsel for a tenant in a claim for declarations and an injunction restraining construction works at a shopping centre being carried out in derogation from grant and/or in breach of lease which the tenant estimated would cause multi-million pound losses as well as reputational damage.
- Acting for a landlord at all stages, including successfully at trial, in a claim for possession of a Kensington mews house following forfeiture, in which the tenant alleged fraudulent misrepresentation and deceit.
- Acting for a foreign state in respect of an application for relief from forfeiture of a commercial property in central London.
- Advising and drafting proceedings for injunctive relief in respect of trespass and breaches of the Party Wall etc Act 1996. Acting for a number of property development companies in obtaining various orders for possession of development properties in London occupied by trespassers.
- Drafting proceedings and appearing at trial for a licensee of agricultural premises in relation to a claim that the licence had been frustrated.

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## Insolvency & Restructuring

Evie regularly acts on a variety of insolvency and restructuring cases: she is instructed at all stages from advising on enforcement options, to acting for companies and creditors in seeking bankruptcy, winding up and administration orders, as well as during insolvency proceedings, where she regularly acts on a variety of claims and applications including being frequently instructed in misfeasance and transaction avoidance cases.

Evie has particular expertise of cases involving insolvent tenants, whether they be in a company voluntary arrangement, administration, liquidation or bankrupt. She also has considerable experience in rating cases where there are insolvency issues.

Her recent experience includes:

- Acting for a landlord in a challenge to a high street retailer's CVA on the grounds that it is unfairly prejudicial.
- Representing the Secretary of State, including at trial, in seeking disqualification of a director, on the grounds that the company had been involved in MTIC fraud.
- Appearing for the successful local authority in *Agba v Luton BC* [2020] 2008 (Admin), which is the leading authority on the question of whether a bankrupt has standing to challenge liability orders.
- Acting for trustees of a bankruptcy in a claim for possession of a property held on trust which is alleged to be a sham,

including at the 2 day trial of the trustees' application.

- Appearing for the respondent in an appeal concerning the application of Hong Kong law to an application to set aside a statutory demand.
  - Appearing for the liquidator in *Re Cre8atsea Ltd* [2016] EWHC 2522 (Ch), the leading case on applications for extensions of time in relation to rescissions of winding up orders.
  - Acting for the liquidators of Tiuta International Limited in relation to an application to set aside a statutory demand for liabilities under a personal guarantee in the High Court and the subsequent enforcement of a costs award for the liquidators.
  - Advising several hundred off-plan purchasers in relation to the impact of the potential compulsory liquidation of the developer as well as their rights in such an event and property law remedies.
  - Advising a landlord on the potential opposition to the appointment of liquidators by deemed consent, as well as the consequences of CVL on a rent deposit and disclaimer.
  - Appearing for a qualifying floating chargeholder on an urgent application for a retrospective administration order in circumstances where a prior appointment of administrators out of court was called into question.
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## Company

Evie is a contributor to the forthcoming edition of Gough on Company Charges. She is an expert on the dissolution of companies, regularly advising on issues and appearing in applications relating to dissolution and restoration of companies.

Recent experience includes:

- Regularly appearing on applications to suspend the dissolution of companies following the release of the liquidator in CVL, including in relation to putative group action proceedings in the High Court arising out of solicitors' negligence relating to property fraud.
  - Regularly advising and appearing on applications arising out of the registration of company charges. Advising on the obligations of company directors for the purposes of proceedings in the Beth Din.
  - Advising on a prospective unfair prejudice petition where a director in a quasi-partnership was accused of stealing the company's confidential information.
  - Advising a company director on the consequences of potential breaches of permission from the court to act as a director while disqualified.
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## Commercial

Evie is regularly instructed on a variety of commercial cases, in particular those involving equitable remedies, agency, mortgages, guarantees and receivership as well as general contractual disputes.

Recent experience includes:

- Advising in relation to and appearing before Master Price on a summary judgment in *Taparis Limited v Siddiqi*, a claim for specific performance of a share sale agreement worth £2.3 million.
  - Advising for a bank in relation to the enforcement of liabilities under several guarantees of company liabilities and the validity of demand notices.
  - Advising and drafting a claim for a consultancy firm against the former chairman of the bank, in respect of a claim for fees and/or in unjust enrichment for the services rendered by the firm for reputational management services arising out of money laundering charges brought against the former chairman.
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## Career and Associations

New College, Oxford (BA, English, First Class)

Kaplan Law School (GDL, Distinction; BPTC, Outstanding)

Member of the Chancery Bar Association

Member of the Property Bar Association

Member of the Agricultural Law Association

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## Publications

15 Jun 2021	Carraway Guildford (Nominee A) Limited v Regis UK Limited [2021] EWHC 1294 (Ch)
15 Jun 2021	A New Look at Leasehold Restructuring - are landlords out of the money? - webinar
06 May 2021	The changes in the New PD
06 May 2021	"I want a witness. Can I get a witness?": Witness Evidence post PD 57AC - webinar
17 Nov 2020	Sureties: how do CVAs impact upon their obligations?
17 Nov 2020	Company Voluntary Arrangements: The Impact of CVAs on Landlords and Sureties - webinar
15 Sep 2020	Possession Proceedings: what to expect when the stay is lifted (Repeat)- Webinar
26 May 2020	Property in Quarantine: Liquidation Foundation: The Basics of Property Insolvency - Part 3: End of life: dissolution and restoration - Webinar
20 May 2020	Property in Quarantine: Liquidation Foundation: The Basics of Property Insolvency - Part 2: Landlords with insolvent corporate tenants - Webinar
04 May 2020	No bull: farmers and footpaths during the COVID-19 lockdown
03 Apr 2020	Rights Of Way article during the COVID-19 Crisis