

Daniel Soar



YEAR OF CALL: 2016

INN: MIDDLE TEMPLE

Practice Overview

Daniel has an established chancery and commercial practice, covering the traditional areas of probate, property, trusts and breach of contract, appearing regularly in the County Court, First-Tier Tribunal (Property Chamber) and the High Court.

As part of his probate practice, Daniel frequently advises on and appears as advocate in contentious probate litigation concerning will challenges and claims under the Inheritance (Provision for Family and Dependents) Act 1975. Daniel recently successfully represented an adult child claimant and obtained an order for substantial financial provision following a 2-day trial. He is also familiar with applications to remove executors and is able to advise on the proper construction of wills.

Daniel's property practice is wide ranging, encompassing commercial, residential and agricultural property. He regularly advises on the enforceability of easements and covenants, as well as acting in nuisance disputes. Daniel is able to advise in relation to claims to beneficial interests in property, whether by proprietary estoppel, constructive trust, or under the Trusts of Land and Appointment of Trustees Act 1996. Landlord and tenant work is also a staple for Daniel, whether that be protected business tenancies under the Landlord and Tenant Act 1954, residential or agricultural tenancies.

Daniel recently spoke at a property roadshow on noise nuisance.

Daniel frequently advises on all aspects of commercial claims, particularly breach of contract claims. He is experienced in advising on the proper construction of contracts and on the reasonableness of exclusion clauses under the Unfair Contract Terms Act 1977. Daniel often acts in claims of misrepresentation and unjust enrichment, alongside breach of contract. He is regularly instructed to attend interim applications such as strike out, summary judgment, pre-action/third party disclosure applications and relief from sanctions. Daniel is also available to advise on litigation strategy generally and/or to assist with negotiations.

Daniel is a qualified mediator.

Commercial

Daniel has a broad commercial practice with particular expertise in contractual disputes, franchise agreements, insurance matters (including the impact of COVID-19 on business interruption insurance), commercial property, public procurement, insolvency and issues involving consumer rights.

Daniel's recent caseload includes:

- ▶ Q v C – a claim relating to breach of a hire agreement and the reasonableness of exclusion clauses;
- ▶ A dispute with a public services company for payment to a consultant of a performance related incentive;
- ▶ O v W – a claim by a franchisor against a franchisee for breach of the franchise agreement;
- ▶ A dispute with a construction professional for failing to design and install plant equipment correctly;
- ▶ F v A – a claim against a facilities maintenance company for failing to supply services with due skill and care;
- ▶ A v Q – an application for order for sale of commercial property between former business partners;
- ▶ J v C – a claim against a property management company for failing to comply with repairing covenants in the lease, including a claim for the proper construction of the lease;
- ▶ B v W – a claim by a utility company against an individual for non-payment of bills;
- ▶ A v I – a claim relating to the bailment of goods and unjust enrichment.

Real Estate

Daniel is a specialist real estate practitioner. He has experience in dealing with applications pursuant to the Trusts of Land and Appointment of Trustees Act 1996, residential and commercial landlord and tenant matters, business tenancy renewals under the 1954 Act, forfeiture, rectification, trespass and claims in nuisance.

He also regularly advises in relation to property rights, particularly easements, boundaries, the proper construction of leases and conveyances, as well as restrictive covenants.

Daniel's recent caseload includes:

- ▶ A v Q – an application pursuant to TLATA 1996 for an order for sale of a commercial property between former business partners.
- ▶ C v B – a business tenancy renewal under the 1954 Act where there had been no previous formal lease.
- ▶ R v Z – a claim against a commercial tenant for unpaid rent.
- ▶ J v C – a claim against a property management company for failing to comply with repairing covenants in the lease, including a claim for the proper construction of the lease and a claim in nuisance for water ingress.
- ▶ P v C – a claim for residential possession involving an allegation of forgery.
- ▶ T v D – a forfeiture claim for breach of lease.
- ▶ A neighbour dispute concerning the position of a boundary, the existence of a right of way by express grant and/or prescription, trespass by fencing and the enforceability of a restrictive covenant.
- ▶ A dispute concerning the ownership of a boundary feature where the conveyance was silent on the issue.
- ▶ A dispute concerning a right of way and the enforceability of a covenant to contribute towards its maintenance.

Wills & Trusts

Daniel has a broad wills and trusts practice encompassing both contentious and non-contentious work. He has experience advising on the proper construction of wills, their formal and substantive validity, will challenges based on lack of capacity, want of knowledge and approval, and undue influence. Daniel also frequently advises in relation to claims for provision pursuant to the 1975 Act.

His recent caseload includes:

- ▶ A successful application for a vesting order of property subject to a will trust where the sole adult beneficiary was absolutely entitled to the property.
- ▶ Advising an executor in relation to a stalemate caused by the co-executor intimating, but refusing to pursue, a claim against the validity of the will.
- ▶ A dispute concerning claims for undue influence and proprietary estoppel where the deceased had unexpectedly changed his will to cut out a family member who had previously been promised the family home.
- ▶ Advising a child claimant in relation to a potential 1975 Act claim and the terms of a deed of variation.
- ▶ A dispute concerning the proper construction of a homemade will, particularly whether one provision gave a life interest in a property or simply permission to stay for a short period of time.
- ▶ A dispute concerning a will challenge from a person living outside of the EU and the correct procedure for service in those circumstances.
- ▶ A dispute concerning an unwritten loan agreement entered into by the deceased and the executors' attempt to call in the loan.
- ▶ Advising a beneficiary on a potential application to appoint independent interim administrators in circumstances where the executors were not acting neutrally in response to a potential probate claim.

Professional Memberships:

- ▶ Chancery Bar Association
- ▶ Property Bar Association (Associate Member)
- ▶ Western Circuit

Qualifications & awards

- ▶ LLB (Hons) from Durham University
- ▶ BTPC – Outstanding, UWE
- ▶ ADR Group Accredited Civil & Commercial Mediator
- ▶ St John's Chambers Mooting competition (2017) – Winner

Additional information:

Daniel lived in Normandy during 2018 and worked for a charity which serves displaced persons and refugees in the Caen area. Sadly, he does not(!) speak fluent French, but does have a working knowledge of the language.

Contact the clerks:

T: 0117 923 4740

E: clerks@stjohnschambers.co.uk