

Antonia Halker



Antonia is an extremely able and dedicated advocate who has a strong practice in property litigation. She is organised, efficient and valued by solicitors who appreciate her prompt and helpful responses to any queries.

Antonia is listed in the [Legal 500 2023](#), Legal 500 2022 and Legal 500 2021 as a leading junior for property litigation, and is highly knowledgeable about both the law and procedure in the area. She is sought out by solicitors who have tricky cases and who want someone that can provide an effective solution. She is also adept at acting in multi-party cases, mastering the facts and considering the issues on behalf of each of the parties.

Antonia is very bright and possesses significant commercial awareness. She is pragmatic in the advice she gives. She does not shy away from an argument that might be difficult to win, but will ensure that her client is aware of the legal and commercial risks before simply pressing ahead. Antonia has been regularly praised for her forceful and persuasive advocacy.



Year of Call: 2007

Contact Practice Manager

Joe

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Education

M.A. (Hons) Hertford College, Oxford University

Membership

Property Bar Association

Association of Women in Property

Chancery Bar Association

Contentious Trusts Association

Languages

Intermediate Italian

Notable Cases

TOSB v B & WE: Represented the Claimant mortgage lender in seeking possession of a property on the basis of mortgage arrears. The 2nd Defendant defended the claim on the basis that she had entered into the mortgage as a result of the undue influence of the 1st Defendant and that the Claimant had been on constructive notice of the same. The Court found that the Claimant lender was not on notice of any undue influence and therefore granted



possession of the property together with judgment for balance outstanding under the mortgage.

Future Properties SE Ltd v Favorite (Restaurants) Ltd [2022] EWHC 3052 (Ch): Represented the Defendant tenant on a rolled up application for permission to appeal and appeal against a determination of the rent payment under a new business tenancy (Landlord and Tenant Act 1954). The appeal was allowed in part in relation to the assessment of the Respondent's costs.

FM v TB Limited: Represented the Defendant landlord in proceedings pursuant to Part II of the Landlord and Tenant Act 1954. The Landlord sought to oppose the grant of a new tenancy on the basis of grounds (a), (c) and (f) within section 30(1) of the Act. In particular, there were disputes as to whether an extraction system installed by the tenant caused a nuisance in breach of the lease, whether the tenant had failed to comply with health and safety legislation, and whether a denial of access by the tenant had prevented the landlord from taking the steps necessary to be in a position to successfully rely on ground (f).

***Bhat & Anor v Patel & Anor* [2021] EWHC 2960 (Ch)**: Represented the Claimant landlords in a claim for possession of commercial premises operating as a GP surgery. The claim was defended on the basis that the Defendants claimed to have acquired a beneficial interest in part of the premises. The defence was dismissed at trial and possession granted. On appeal, relief from forfeiture was granted in respect of part of the premises only, resulting in the unusual situation of the Claimants being entitled to repossess only part of the premises.

Silkman v Love: Successfully represented the executor of an estate in obtaining an order for sale of co-owned property in the name of the deceased and her ex-partner pursuant to section 14 TOLATA. The case was reported in the national news.

<https://www.dailymail.co.uk/news/article-9375629/Top-football-agent-WINS-800-000-court-fight-Ferrari-driving-businessman.html>

NCP v Wonder Wash: Represented the Defendant in a claim to possession of part of a car park, which was used by the Defendant to operate a car wash. The case involved a legal dispute as to whether the Defendant occupied the car park under a lease or a licence.

(1) Mansing Moorjani (2) Samir Yousf (3) Lena Yousf (4) Nadia Seifeldin v (1) Durban Estates Ltd (2) Ivor Court Freehold Ltd [2019] EWHC 1229 (TCC): Application by the 1st Defendant to strike out the 1st Claimant's claim for damages following the freeholder's alleged breach of its repairing obligations on the basis that it was barred by



cause of action estoppel and merger

<https://www.baillii.org/ew/cases/EWHC/TCC/2019/1229.html>

Butt v Rashid. Successfully represented the Claimant in a claim for wrongful interference with goods, where the property occupied by the Claimant was repossessed by the Defendant

Wilkins v Mund. Successfully obtained a restriction over property held in the sole legal name of the Respondent on the basis of a beneficial interest.

Bowes v Norman. Successfully represented the Claimant in a TOLATA matter in obtaining a declaration that a property was owned in equal shares and an order for sale.

Walton Lodge Veterinary Group Ltd v (1) Thomas Knight (2) Roger Michael Knight and Mrs Natalia Wickens (as personal representatives of Arthur Edward Knight deceased). Advised in a dispute over what amounts to a 'forfeiting event' where the tenant was a company controlled by the lessee rather than the lessee itself. The advice provided facilitated settlement.

Arora v Yazdi. Successfully represented the Applicant in reducing service charges payable by a residential long leaseholder in proceedings before the First Tier Tribunal (Property Chamber).



Property

Antonia has a wide ranging property practice, including all aspects of commercial and residential landlord and tenant cases, dilapidations and disrepair, lease renewals and break clauses, Right to Manage and service charge disputes. She has a lot of experience in cases regarding forfeiture and what constitutes a forfeiting event. Antonia acts in cases involving allegations of nuisance, trespass and boundary disputes as well as claims for adverse possession. She is equally happy in the County Court and High Court (including the TCC) as the First Tier Tribunal (Property Chamber).

Antonia is particularly good at advising in cases which have a complex legal and factual background. She often represents clients with TOLATA claims arising out of failed business partnerships, relationship breakdown or family



investment schemes. She appreciates the value of mediation in such cases, but is very happy to represent clients in court if mediation is unsuccessful. Antonia will also advise on enforcement proceedings where necessary.

Commercial

Antonia acts for businesses and has been instructed in numerous commercial disputes including breach of contract, professional negligence, misrepresentation and Consumer Credit Act claims. She has experience of cases where individuals are seeking to argue that their relationships with credit companies are unfair, often in defence to possession claims. She frequently represents clients in applications for injunctions and damages. She is pragmatic in her advice, and will consider the commercial and reputational risks of litigation as well as the strict legal position.

Antonia is regularly instructed in company law proceedings involving Companies Act and Insolvency Act applications. She represents directors, former directors, companies and liquidators.

Antonia's insolvency work includes successfully setting aside statutory demands, defending bankruptcy petitions, applications to annul, vesting order applications and resisting the presentation of winding up petitions.

Construction

Antonia regularly advises in both residential and commercial construction disputes. Antonia represents Claimants and Defendants and is experienced in drafting pleadings and providing representation in the High Court and County Court. Recently, Antonia has been involved in a negligence claim against an architect, construction company and building control surveyor in relation to the development of a new-build property worth over £1 million.

Contentious Trusts and Probate

Antonia takes instructions in all areas of contentious probate and administration of estates. She has particular experience in dealing with applications under the Inheritance (Provision for Family and Dependants Act) 1975, applications to remove Personal Representatives, applications for directions pursuant to CPR 64.2 and applications for payment into court. Antonia has an in depth understanding of the law relating to trusts, which she is able to apply across both her property and probate practices. Antonia recently advised in a complex case involving missing beneficiaries thought to reside out of the jurisdiction.



Antonia represents clients both in Court and at mediation, as well as providing advice. Antonia is adept at assessing prospects of success, considering all available options and providing clear and practical advice.

