

## Erol Topal

Erol is a specialist in property and commercial litigation and dispute resolution. He has extensive experience in all aspects of residential and commercial property and commercial law. He has acted for private individuals – domiciled both within and outside of the jurisdiction – and a variety of other clients including banks, plcs, local authorities, housing associations, property investment and management companies.

In appropriate circumstances Erol accepts Direct Access instructions.



**Year of Call: 1998**

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## Further information

### Qualifications

- Queen Mary's College, London: LLB

### Interests

Sub-aqua, football, theatre and architecture.

VAT Reg No  
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## Land and Property

A broad property practice covering all aspects of residential and commercial land and real estate law including:

- Claims to title and disputed land claims (including public rights in land);
- Co-ownership and proprietary estoppel claims, trusts of land – in particular claims made under the Trusts of Land Appointment of Trustees Act 1996 – and post-cohabitation disputes;
- Third party claims including rights of way, easements and restrictive covenants;
- Adverse possession, party-wall and boundary disputes;
- Land registration and conveyancing disputes including those falling to be determined by the Adjudicator to HM Land Registry;
- Acting for both the protected person and others in property disputes involving patients in circumstances where a Deputy has been appointed under the Mental Capacity Act 2005;
- Withdrawal of licence/trespass claims and obtaining injunctive relief in the case of breaches – frequently instructed by businesses and individuals in subsequent committal proceedings;

- Disputes involving property held on trust by companies in low-tax jurisdictions;
- Mortgage possession claims on behalf of both lenders and borrows – including undue influence and insolvency – and related claims involving Law of Property Act and Fixed Charge Receivers;
- Enforcement of judgments generally including claims for possession and sale of property subject to equitable charges;
- Non-contentious practice involves a broad range of drafting which includes easements, rights of way, leases (both residential and commercial), agency contracts and terms of business for various land and property professionals and agents.

## **Partnerships**

Advice and representation relating to disputes which arise both during and post partnership with a particular emphasis on title to disputed land, leases and options. Advice and representation in relation to the formation and dissolution of partnerships and the ownership and distribution of partnership property.

Claims by and against directors of companies and the protection of shareholder interests where property is held by companies on trust for others.

## **Insolvency**

Acting for both individuals and companies in various bankruptcy proceedings including on behalf of Trustees-in-Bankruptcy and LPA and Fixed Charge Receivers.

## **Landlord & Tenant**

Extensive experience in both residential and commercial landlord and tenant disputes including:

- Possession proceedings brought under all residential and commercial statutory and common-law regimes including Housing and Rent Acts and the Part II of the Landlord and Tenant Act 1954;
- Termination of licence and permitted occupier claims;
- Residential and commercial dilapidations, and disrepair claims;
- Public and private nuisance, anti-social behaviour and injunctive relief proceedings;
- Enforcement of leasehold covenants, claims for breach of covenant/specific performance including forfeiture;
- Disputes arising out of the interpretation and application of leasehold covenants including break-clauses, repairing and alienation covenants;
- Succession and right-to-buy claims;
- Commercial rent review under Part II of the Landlord and Tenant Act 1954;
- Residential rent assessment and review under the Rent Act 1977 and Housing Act 1988;



- Disputes concerning service charges and arising out of residential block management;
- Leasehold enfranchisement and lease extension claims;
- Lettings and managing agent professional negligence claims;
- Houses in Multiple Occupation licensing;
- Defending criminal prosecutions brought under the Housing Act 2004.

## **Construction**

Construction and building claims typically in a residential or small commercial context representing developers and individuals.

## **Extra-Jurisdictional Proceedings**

Erol has been instructed in a number of cases involving complicated considerations concerning the analysis and application of local and European rules on jurisdiction and enforcement.

