



**Five Pump
Court Chambers**

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Michael Collard

Barrister

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Practice overview

Michael is a very experienced property litigator with a calm and professional manner which puts clients at ease. He is intellectually sharp with great attention to detail, but never forgets that people are at the heart of all disputes and treats his clients with kindness and empathy.

Michael's primary practice is property litigation, particularly landlord and tenant and construction cases. He also has experience in contentious probate proceedings (particularly where these involve trust assets), contract litigation, insolvency, professional liability and judicial review proceedings.

In addition to his litigation practice, Michael is a qualified mediator and adjudicator. His commercial and legal expertise combined with his pragmatic people skills make him a great choice for resolving complex disputes. Michael was Head of Chambers for 20 years, gaining invaluable experience of managing people and dealing with their differing needs and personalities, which he brings to his mediation practice.

Michael is a Bencher of Middle Temple.

Property and construction

Michael has extensive experience acting for landlords and tenants in commercial and residential property cases, with clients ranging from large housebuilders to local authorities

and individuals. His recent cases involve dispositions of freehold and leasehold interests, possession, rent arrears, disrepair, dilapidations, and service charges. He has recently been successful in a claim against a guarantor under a commercial lease in respect of the lessee's rent, insurance rent, and repairing obligations.

He has considerable experience of acting in boundary dispute cases enabling warring neighbours to achieve satisfactory outcomes. He advises on complex restrictive covenants, and has successfully appeared in Land Tribunal applications to resist the modification and discharge of such covenants.

In construction cases, Michael has experience of conducting TCC and other building litigation covering a wide range of disputes from major construction developments to domestic dwellings and industrial workplaces. His experience of construction and property cases provides a solid basis for handling professional negligence claims against surveyors, valuers, architects, and solicitors, in local and international transactions.

Michael also acts in cases where there are disputes about ownership of property, such as TOLATA and Inheritance Act disputes. He has experience of contentious probate cases.

Michael is a qualified mediator and has recently been involved in mediations relating to commercial and residential property. He is very well suited to mediating property disputes because of his depth of knowledge of the law in this area.

Mediation

Michael is a qualified mediator. He has an aptitude for getting parties to work together to find a resolution to tricky cases. He is able to work with multiple parties, and to use his time effectively to move everyone towards a resolution of the dispute within a reasonable timescale. His role as Head of Chambers over many years has given him very good experience of managing people, particularly in situations where they are under pressure, and he maintains a calm and reassuring presence throughout.

Michael has been on the TECBAR list of approved mediators since 2013 and is particularly well suited to mediations involving property, business and insolvency disputes.

Given his mediator training, he has a substantial advantage in preparing and presenting cases for mediation. He is trained in advanced mediation advocacy and appreciates the different skills required for mediation as opposed to court.

Adjudication

Michael has been a TECBAR Adjudicator since 1998, and is well placed to adjudicate construction disputes and to advise on the performance and enforcement of adjudications.

He is good at mastering the facts in a dispute quickly, allowing him to work efficiently in cases where time is often critical.

Michael has worked on a wide variety of adjudications and has experience of construction cases as well as cases where the underlying dispute is construction based but the issue to be determined is about the enforceability of a judgment.

Michael can be appointed as an adjudicator through Chambers or via [TECBAR](#).

Business, commercial and insolvency

Michael is experienced at advising businesses in a wide range of disputes. His qualifications as a mediator and adjudicator mean that he is ideally placed to advise on the strategy to be adopted in each case, bearing in mind the legal position, commercial reputation and relationships and the cost and timescale of litigation. Michael has a particular specialism in advising on franchise agreements.

Michael also has experience of insolvency cases acting for companies and individuals. He accepts instructions from creditors and debtors to advise on insolvency proceedings as well as other litigation which may arise (for example dealing with antecedent transactions and recovery).

A recent client commented:

"Barrister Michael Collard has been my lawyer advising and guiding me for a number of cases. I have recently won a case! A big well done to Mr Collard for his excellent advice and guidance. I found Mr Collard as the best lawyer in my life with his excellent soft and hard skills, knowledge, fantastic and caring attitude and professional experience in the legal field. I found him not taking his responsibility just like a 9am–5pm task. He always communicates with me very promptly and sincerely to ensure that I feel less stress and get more advice and guidance on time. I wish Mr Collard all the best!"

Insurance

Michael is well versed in advising on insurance contracts, and is familiar with the standard terms used by insurers. He advises insurance companies on the terms of cover and whether they should indemnify particular incidents. He is also able to advise those who may wish to challenge their insurers on the failure to indemnify.

Regulatory

Michael has acted for public authorities and interested parties in judicial review of the acts and omissions of public bodies particularly in relation to his property specialism. He is also

experienced at dealing with licensing decisions, and attempts to challenge those through judicial review. Recent cases have involved judicial reviews in homelessness, planning and other areas, and tribunal cases relating to HMOs.

Education

- LL.B. (Hons) Bristol University
- Accredited Mediator
- TECBAR Adjudicator

Memberships

- The Honourable Society of the Middle Temple (Master of the Bench)
- Society of Construction Law
- TECBAR
- Professional Negligence Bar Association

Notable Cases

GT Ltd v P&K [2021]: claim against a guarantor under a commercial lease in respect of the lessee's rent, insurance rent, and repairing obligations. Successful on all points and awarded full costs.

Sparling v Norman & Anor (Rev 1) [2014] EWCA Civ 1152: Represented the appellant in a complex boundary dispute

Travelers Insurance Co Ltd v Advani [2012] EWHC 623: Acted in a claim for an indemnity by insurers arising out of fraud committed during the course of employment

Francis v London Borough of Southwark [2011] EWCA Civ 1418: Claim for breach of the right to buy legislation

R (Copyright Canary City Ltd) v Thames Magistrates' Court [2010] EWHC 2185 (Admin): Successfully defeated an application for judicial review of a licensing decision

LP/31/2006: Acted in an application under section 84 of the Law of Property Act 1925

LON/AJ/HPO/2009/0008: Acted in an appeal against a prohibition notice under para 7(1) of

Schedule 2 to the Housing Act 2004