



# Michael Collard

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**Year of call: 1986**

## **Areas of Practice**

Business & Commercial, Construction, Professional Negligence & Liability, Local Authorities & Public Law, Personal Injury, Property, Landlord & Tenant, Direct Public Access Barristers, Mediation & ADR

## **Education**

LL.B. (Hons) Bristol

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## APPOINTMENTS

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TECBAR Adjudicator

[Accredited Mediator](#)

Head of Chambers

Bencher of Middle Temple

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## PRACTICE PROFILE

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**Landlord and Tenant:** Michael has worked for over 30 years for landlords and tenants in commercial and residential property cases, with clients ranging from one of the country's largest housebuilders to local authorities and individuals. The cases involve dispositions of freehold and leasehold interests, possession, rent arrears, disrepair, dilapidations and service charges.

**Boundary Disputes:** Considerable experience of acting in insurance backed and privately funded cases has enabled Michael to develop ways of enabling warring neighbours to achieve satisfactory outcomes, through litigation, mediation, or preferably early informal resolution.

**Restrictive Covenants:** Michael has successfully appeared in Land Tribunal applications to resist the modification and discharge of restrictive covenants and advised clients regarding the enforcement and variation of such covenants.

**General property work:** Acting for legal expenses insurance backed and privately funded cases for many years has given Michael vast experience of virtually all types of property work, ranging from conveyancing problems to disputes over bequests to charities and local authorities, litigation over

interests in land, public and private rights of way, other easements, party wall disputes, and homelessness.

**Mediation:** As a trained Mediator, Michael has a substantial advantage in preparing and presenting cases for mediation. He has received formal training in advanced mediation advocacy and fully appreciates the different skills required for mediation.

**Construction:** Having benefited from a pupillage at Keating Chambers, Michael has gained substantial experience of conducting TCC and other building litigation, covering a wide range of disputes from major construction developments to domestic dwellings and industrial workplaces. As a TECBAR Adjudicator since 1998, Michael is well placed to advise on the performance and enforcement of adjudications.

**Employment:** Michael acts for employers and employees, with substantial experience of successful cases in London tribunals and elsewhere involving race, sex and disability discrimination, unfair dismissal, TUPE regulations, and most recently, issues of whether the claimant was an employee, a worker or neither.

**Contract:** Michael can often provide instant telephone or email advices on contractual issues enabling a case to be resolved promptly or if necessary pursued successfully to trial or other resolution.

**Professional Liability:** Experience of construction and property cases provides a solid basis for handling professional negligence claims against surveyors, valuers, architects, and solicitors, in both local and international transactions.

**Administrative:** Michael has acted for public authorities, affected and interested parties in judicial review of the acts and omissions of public bodies, in homelessness, planning and other areas.

Michael acted as a judge in the Annual INADR International Law School Mediation Tournament.

### **Notable Cases**

Western Challenge Housing Association v. Percy Thomas Partnership (1995) CILL 1018 QBD,( one of the Legal Times/Masons "Best Ten Construction Cases, 1996")

West Kent Housing Association v. Davies (1999) 31 HLR 415 [1998] EGCS 103 CA

R -v- London Borough of Greenwich HBRB ex parte Dhadly LTL 21/10/99, (2000) 32 H.L.R. 829

Berthon Boat Co.Ltd -v- Hood Sailmakers Ltd[2000] E.G.L.R 39, [2000] 08 EG 175

An application under section 84 of the Law of Property Act 1925 by Alan Howard Fisher LP/31/2006 <http://www.landtribunal.gov.uk/judgmentfiles/j527/LP-31-2006.pdf> and an appeal against a prohibition notice under para 7(1) of Schedule 2 to the Housing Act 2004 Ref. No. LON/AJ/HPO/2009/0008 <http://www.rpts.gov.uk/Files/2010/April/000048FQ.htm>

Johnson v Luxcool Ltd & Ors [2008] EWHC 1591, QB,[2008] All ER (D) 185

R (Copyright Canary City Ltd) v Thames Magistrates' Court [2010] EWHC 2185 (Admin), [2010] LLR 664

QBD, Ouseley J, 12 August 2010

Francis v London Borough of Southwark [2011] EWCA Civ 1418, [2011] All ER (D) 54 (Dec) CA

Travelers Insurance Co Ltd v Advani - Queen's Bench Division, 16 March 2012 - [2012] EWHC 623 (QB)

[Sparling v Norman & Anor \(Rev 1\) \[2014\] EWCA Civ 1152 \(25 June 2014\)](#)

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## MEMBERSHIPS AND AFFILIATIONS

Member of Society of Construction Law, Civil Mediation Council, Professional Negligence Bar

Association and TECBAR

Member of the Construction & Property Mediation Group

Member of Riverview Barristers & myBarrister.co.uk

Bencher of the Middle Temple.

Chambers is a Corporate Member of the SCMA

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## ADDITIONAL INFORMATION

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Addressed seminars on arbitration and expert witnesses for the Chartered Institute of Arbitrators and Professional Solutions and Services Ltd.

Received training in Advanced Mediation Advocacy

Undertakes Direct Public Access advisory, litigation and ADR work in the following areas: Commercial Property, Construction, Landlord & Tenant, Licensing, Local Government, and Professional Negligence. Completed Top Up Course in March 2014.

Contributes to the World Bank/IFC's "Doing Business" Reports.

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## WHAT CLIENTS SAY:

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*"I have been instructing Michael Collard for many years now. Michael has always known what both the client and solicitor wants. Michael always has a quick grasp of the case and is aware and focussed on all the moving parts of the case. Michael is very charming, concise and clear. He is knowledgeable and gives solid forthright advice. Chambers are very reliable and the clerking service maintains and achieves excellent service standards."*

Daksha Thakker, Templetons Solicitors, April 2019

*"After our insurance company had turned down funding for our case, I approached Michael Collard as a direct access client to write an opinion on the prospects of success. The insurer also requested a view on whether their panel law firm had prejudiced our position or whether I had prejudiced the claim.*

*Despite the significant volume of information, Michael very quickly turned around a very detailed and well considered legal opinion, from the perspective of a judge assessing the merits of the case. As someone very inexperienced in handling builders I learnt a lot of important lessons, which I would consider very carefully in future before entering a legal dispute to give my claim the best chances of success.*

*The overall opinion was tough but fair. I was impressed with Michael's commercial approach of providing practical solutions to encourage settlement of our case. Because of Michael's opinion, we achieved a far more favourable outcome with our insurer than I had expected, to help resolve our claim."*

SS, Direct Access Client, London Mar 2019

*"I have instructed Michael on many varied civil matters over the years. Despite a busy schedule, Michael consistently turns instructions around quickly. In conference he adopts a practical and balanced approach, putting clients at ease even during the most stressful litigation periods. Michael is supported by very friendly and efficient clerks and I have no hesitation in recommending both Michael*

*and 5 Pump Court."*

Juliet Petchey, Head of Litigation, Howell-Jones LLP

*"Michael is extremely dedicated to providing expert advice in a professional manner. His advice and people skills are exceptional"*

Jamille Mohammed, Duncan Lewis & Co.

*"Michael Collard (who is a housing lawyer) is possibly the most decent man in the legal profession and extremely able. We use chambers a lot and I am generally impressed. Also Michael is hugely approachable"*

Philip Pollecoff, Pollecoff Solicitors Ltd.

*"Michael Collard did an outstanding job today representing me. I am suitably impressed given the limited time he had to prepare."*

Ebele Muorah - direct access property client - September 2016

*"Dear Mr Collard,*

*Thank you very much for all your help today! I must say you were truly amazing in fighting for the case.*

*Thank you again for making all this effort for me! It's really appreciated."*

[Client in High Court case July 2018]



5 Pump Court | Temple, London | EC4Y 7AP | 020 7353 2532 or 07976 368031