Toby Boncey

Called 2013



Toby is a property litigation specialist. Toby has advised and acted for parties challenging arbitral awards, has been appointed under s.37(1)(a)(i) of the Arbitration Act 1996 as a legal adviser in a rent review arbitration (length of hypothetical term for valuation purposes), and appeared in the Court of Appeal in *Great Dunmow Estates Ltd v Crest Nicholson* [2019] EWCA Civ 1683 (jurisdiction of expert pursuant to expert determination provision in development agreement and whether parties bound by surveyors' statement of agreed facts).

Toby acted as arbitrator in Commercial Rent (Coronavirus) Act 2022 Arbitrations. Published awards in *Hanbury Print.com Ltd v Primack* (15 December 2022) and *Restaurant WC1 Ltd and Hogarth Properties S.A.R.L.* (6 February 2023) can be found here.

Toby's practice covers a wide range of property-related disputes, including all aspects of real property and landlord and tenant law, property development and valuation. His areas of expertise include (but are not limited to):

- Arbitration claims, including Pubs Code arbitrations;
- Claims for rent and service charge arrears;
- Land registration;
- Commercial landlord and tenant, including under the Landlord and Tenant Act 1954, dilapidations, breaches of covenant, consents for alienation, rent review and forfeiture;
- Residential landlord and tenant, including enfranchisement, service charges, right to manage, forfeiture and relief, alterations and nuisance and possession claims;
- Valuation disputes;
- Easements, public rights of way, restrictive covenants, adverse possession and boundary disputes;
- Mortgages;
- Water and riparian rights;
- Party walls;
- Proprietary estoppel;
- Trusts of land;
- Expert determination and the construction of development agreements;
- Compulsory purchase;
- Electronic Communications Code disputes.

Toby is the co-author of a book, "The Electronic Communications Code and Property Law: Practice and Procedure" (Routledge 2018) and regularly gives lectures and writes articles on a range of matters concerning property dispute resolution. Toby has written articles on Pubs Code arbitrations: The Pubs Code in the spotlight - it is High (Court) time! (Part 1) L. & T. Review 2020, 24(5), 197-200 (Part 2) L. & T. Review 2020, 24(6), 228-232 (with Jonathan Karas QC and Adam Rosenthal QC), including consideration of Article 34(2) of the ClArb Rules 2015 on the availability of the right of appeal under ss.68 and 69 of the 1996 Act.

Education

- BPTC, Kaplan Law School, London
- BCL, Merton College, Oxford- Distinction
- MA Jurisprudence (Law and German Law), Worcester College, Oxford and Regensburg University- 1st class (1st in year)
- Merton College BCL Prize
- Merton Lawyers' BCL Scholarship
- Barton Prize: Merton College
- Martin Wronker Prize: Oxford University
- Martin Wronker Tort Prize: Oxford University
- Gibbs Prize: Oxford University
- Henriques Prize: Worcester College
- Worcester College Prizes, Scholarship and Exhibition.

Professional

- Called 2013: Gray's Inn
- The Reid Senior Scholarship: Gray's Inn
- Bedingfield Scholarship: Gray's Inn
- From 2012-2014, Toby was a lecturer and tutor in Land and Trusts Law at St Catherine's College, Oxford. Between 2012 and 2013 he was also a lecturer and tutor in Land Law at Trinity College, Oxford and St Hugh's College, Oxford. He has also taught Contract Law at Worcester College, Oxford.
- Recognised as a rising star in the Legal 500 UK 2021 Guide
- Enfranchisement and Right to Manage Awards: Young Professional of the Year (Highly Commended 2018)
- Member of the Property Bar Association
- Member of the Chancery Bar Association
- Member of the Compulsory Purchase Association
- Member of the London Common Law and Commercial Bar Association (LCLCBA).
