



## **PHIL SPENCER**

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## **BIOGRAPHY**

Phil is a senior associate in BCLP's market-leading Real Estate Disputes practice group with several years of experience advising clients on property litigation matters before all UK real estate litigation forums – the First-Tier Tribunal, Upper Tribunal (Lands Chamber), County Court, High Court, Court of Appeal and the Supreme Court.

Phil advises commercial and residential landlords across a spectrum of property issues including acting in multiple rent review matters concerning interpretation and review requirements; vacant possession strategy for properties subject to leases both inside and outside the protections of the Landlord and Tenant Act 1954; recovery of arrears; and advice on improvement works and repairing obligations, with special regard to concerns over quiet enjoyment and service charge recoverability.

Phil has represented both tenants and landlords in Landlord and Tenant Act 1954 opposed and unopposed lease renewal cases, including experience dealing with grounds (d), (f) and (g) as well de-risking and pursuing break clause disputes. He is also knowledgeable in matters related to vesting orders and escheat.

Phil has extensive experienced in trespass-related work including obtaining orders for possession and injunctions against urban explorers; obtaining freezing orders; securing charging orders; and other routes to successfully recovering debts for clients. He also advises on a wide range of neighbourly matter issues including disputes over easements, rights of way, party walls and nuisance.

He has a growing practice advising clients on business rates (from the Check stage all the way through to Appeals at the highest level) and council tax.

## ADMISSIONS

- England and Wales

## RELATED CAPABILITIES

- Real Estate Disputes
- Litigation & Dispute Resolution
- AdTech
- PropTech
- Real Estate

## EXPERIENCE

- **Heathrow Airport v Persons Unknown and London Southend Airport v Persons Unknown:** Secured two urgent High Court injunctions to restrain disruptive direct action threatened by activist groups at [London Heathrow](#) and [London Southend](#).
- **Tesco Stores Ltd v Dawn Butler (VO):** Acting for the successful appellant [before the VTE in this lead appeal](#) against 2010 List alterations.
- **Almacantar Centre Point Nominee 1 Ltd v Farrell [2022] 11 WLUK 216:** Successfully obtaining an [injunction](#) against named and unknown urban explorers, including securing an order for

alternative service of the injunction.

- **Cardtronics UK Ltd and others v Sykes and others (Valuation Officers) [2020] UKSC 21:** Acting for the successful appellant ratepayers at all stages up to and including the Supreme Court.
- **Pullman Foods Ltd v The Welsh Ministers & Anor [2020] EWHC 2521 (TCC):** Representing a former tenant in relation to a complex case involving dilapidations, asbestos contamination and repairing obligations.
- **Colt Group Ltd v Unicourt Wandsworth LLB [2020] EWHC 2549 (Ch):** Successfully resisting the declarations originally sought by the tenant on the operation of lease insurance provisions.
- Successfully representing **a large utility firm** on negotiating and settling various Central Rating List liabilities opposite the Valuation Office Agency.

## RELATED INSIGHTS

Insights

Dec 19, 2024

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Insights

Nov 30, 2023

### **Into the unknown - Supreme Court confirms parameters for injunctive relief against trespassing newcomers**

Injunctions against “persons unknown” have recently garnered much attention, being deployed in both traditional scenarios such as to prevent traveller groups trespassing on land, and also against protestors or urban explorer threats. Lower Courts grappled with whether such injunctions – wide in scope and carrying serious consequences for breach – could be granted on a permanent basis against newcomers. The Supreme Court, agreeing with the Court of Appeal’s conclusion albeit for different reasons, has confirmed they can.

Insights

Sep 29, 2023

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### **Lawyer authors article in ‘Estates Gazette’ on Supreme Court decision, runner-up in PLA competition**

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### **Briefcase 2022 Quarter 3: Key real estate cases and updates**

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Mar 29, 2022

## **Briefcase 2022 Quarter 1: Key real estate cases and updates**

Insights

Nov 24, 2020

## **Bound to fail: Can I rely on my restrictive covenant to prevent building on neighbouring land?**

Insights

Nov 16, 2020

## **Best Laid Plans: Can I Start Building now I have Planning Permission?**

Insights

Jun 05, 2020

## **Business Rates win for retailers in UK Supreme Court**

The UK Supreme Court has given judgment on the rateability of the sites of ATMs hosted by retail outlets. It has ruled that ATMs operated by a company other than the store operator should be assessed as part of the host store. Separate assessments of ATMs sites, which resulted in significantly increased rates, were incorrectly made. There are wide ranging implications for retailers, both in relation to ATMs and in-store concessions.