

Salmaan Hassanally

Year of Call: 2017

Practice Summary

Salmaan specialises property law and has a particular interest in matters which intersect with commercial and chancery law. He does, however, accept instructions in all areas of Chambers' work.

As a 2019 Pegasus Trust Scholar to the commercial litigation department of Rajah & Tann, Salmaan worked on a variety of corporate and partnership disputes involving breaches of trust and fiduciary duty, as well as knowing receipt and dishonest assistance.

Prior to coming to the Bar, Salmaan worked at PwC providing tax advice to high-net-worth individuals. He joined Chambers in 2018 upon successful completion of his pupillage, under the supervision of Justin Bates, Jonathan Manning, Toby Vanhegan, and Annette Cafferkey. During pupillage he gained exposure to the full spectrum of property law including possession proceedings and the various defences to it; disrepair and dilapidation claims; freehold covenants and leasehold disputes; homelessness appeals; EPA prosecutions; licensing; and injunctions. He now regularly appears for landlords and tenants alike in all manner of proceedings.

On a secondment to Gowling WLG, Salmaan acted for institutional investors in connection with their business tenancies and with issues relating to insolvency. He regularly advised on the interpretation and validity of notices: including statutory notices, notices for which there exist prescribed forms, and contractual notices such as those served pursuant to a break clause in a lease or CVA.

Salmaan was recently selected to be a member of Dame Linda Dobbs Review team, which is working to determine whether the Lloyds Banking Group sufficiently investigated and appropriately reported issues relating to the fraud at HBOS Reading. He has previously been engaged by the Housing Ombudsman to review complaints made by tenants against their landlords, and to produce reasoned decisions along with orders of compensation where appropriate

Outside of work, Salmaan can be often be found on his allotment thinking up new ways of getting his chickens to lay more eggs. He has an interest in the history of art and previously worked at The National Gallery.

Commercial & Chancery

Salmaan has provided advice in relation a wide variety of commercial and chancery matters: from admiralty claims in rem, to contentious probate disputes.

At Gowling WLG, Salmaan acted for institutional investors in connection with their business tenancies and with issues relating to insolvency. He currently represents clients in a range of corporate and personal insolvency matters (including winding up proceedings, bankruptcy petitions, and administration orders).

As a Pegasus Trust Scholar, Salmaan worked on a variety of corporate and partnership disputes involving breaches of trust and fiduciary duty. He was also involved in cross-border arbitrations based on SIAC Rules.

Salmaan also has a range of general commercial and chancery experience including:

- determining the parties to a contract (including whether a company could be held to be an agent for an individual, and vice versa);
- construction of contractual terms, including implied terms and unfair contractual terms;
- establishing the right of a third party to enforce a contract;
- determining when time is of the essence for the purpose of a contract;
- challenging the validity of notices including statutory notices, contractual notices, and notices to complete;
- ToLATA disputes, including seeking declarations as to beneficial ownership of trust assets;
- requesting and enforcing orders for sale including where one joint owner is refusing to co-operate;
- disputes involving the CMR convention;
- estoppel and unjust enrichment; and
- applications for wasted costs against the other side’s solicitors.

Property & Housing

Salmaan has experience of the full spectrum of property law including possession proceedings; disrepair and dilapidation claims; freehold covenants; service charge disputes; adverse possession and boundary disputes; claims in trespass and nuisance; unlawful eviction; licensing; shared ownership; right to buy; and injunctions. He now regularly appears for landlords and tenants alike in all manner of proceedings.

In this context, Salmaan has recently been involved with the following matters:

- rent repayment orders, including what information can be taken into account when considering a landlord's financial circumstances;
- whether the use of an apartment for short-term lets through Airbnb was a breach of covenant;
- whether the duty to make reasonable adjustments extends to making structural changes to a building to enable those with mobility issues to use their property;
- in what circumstances the burden of a positive freehold covenant runs with the land;
- causes of action which could be taken against a leaseholder who was advising others not to pay their service charge;
- the effect, on the existing management company, of a new company acquiring the right to manage;
- lease extensions and absentee landlords;
- whether a landlord's duty to repair the structure and exterior of the property could encompass the removal of unauthorised alterations;
- a claim by a tenant against his landlord in respect of the landlord's inaction in relation to nuisance occasioned by another tenant;
- challenging a liability order in respect of business rates;
- business tenancies, including contracted out leases;
- the validity of notices pursuant to sections 8 and 21 of the Housing Act 1988;
- the validity of purported rent increases;
- possession proceedings based on forfeiture;
- interim possession orders, and final orders for possession;
- the enforceability of an order for possession, made by consent; and
- sham letting agreements, unlawful eviction, trespass, and implied surrender.

In addition to his active Court practice Salmaan represents clients at mediation and has previously been instructed in relation to resolving boundary disputes between neighbouring landowners, and altering rights of way across tenanted agricultural land.

Salmaan also has experience of homelessness appeals and local authority allocation schemes.

Public & Administrative

Salmaan is frequently instructed in relation to a range of local government issues, including:

the extent to which local authorities are able to engage third-parties to discharge functions on their behalf;

the potential conflict between the departments within a local authority (e.g. as between Housing and Social Service when there is an issue as to a tenant's capacity);

whether a local authority, as head landlord, could enforce a deed of assignment entered into (pursuant to a mutual exchange) as between two tenants;

whether, and in what circumstances, it would be lawful to grant a tenancy to a company rather than an individual (in order to avoid granting a secure tenancy);

what "broadly comparable" means in the context of mobile home pitches;

defending prosecutions brought under the Environmental Protection Act 1990;

various licensing issues, including street trading licences; and

remedies available pursuant to the Anti-social Behaviour Crime and Policing Act 2014.

Salmaan assisted others in Chambers on a number of judicial reviews, including a challenge to the "Rogue Landlord and Agent Checker" set up by the Mayor of London, and a challenge to the HMO licence fee charged by a local authority (*R (Gaskin) v Richmond LBC* [2018] EWHC 1996 (Admin)).

Salmaan has a keen interest in public law and is member of the "Junior Junior" scheme run by the Government Legal Department. He also works with BID to represent immigration detainees on a pro bono basis.

Direct Access

- Yes

Memberships

- The Honourable Society of the Middle Temple
- Housing Law Practitioners Association (HLPA)
- Social Housing Law Association (SHLA)
- Association of Tax Technicians (ATT)

Areas of Expertise

- Administrative Public Law
- Human Rights Equalities
- Commercial
- Housing
- Local Government
- Adult Social Care