

## Eleanor d'Arcy

Call 2008



### Clerks

 Ian Spencer  
 0113 203 1971

 Luke Heywood  
 0113 203 1970

 Nicole Luna  
 0113 203 1975

### Memberships

- Property Bar Association
- Chancery Bar Association

### Education

- MA Classics, St. John's College Oxford [2002-2006]
- CPE BPP Law School Leeds [2006-2007]
- BVC BPP Law School Leeds [2007-2008]
- Scholarships: Lord Haldane, Lincoln's Inn [2006-2007]
- Lord Denning, Lincoln's Inn [2007-2008]
- Wolfson, Lincoln's Inn [2008-2009]

### Property

Eleanor is an outstanding Chancery & Commercial barrister, with a proven track record of academic excellence and a forensic eye for detail.

In particular, in respect of Property matters, Eleanor's practice encompasses all aspects of real property (both contentious and non-contentious) and is frequently instructed in cases which involve a cross-over between Insolvency and Property law.

Eleanor advises upon and represents parties in Court in respect of:

- Landlord and Tenant, both commercial and residential;
- Service Charges;
- Mortgages (including, and in particular, Claims which involve arguments surrounding undue influence and/or misrepresentation);
- Claims under the Trusts of Land and Appointment of Trustees Act 1996;
- Land Registration;
- Restrictive Covenants;
- Rights of way;
- Boundaries;
- Nuisance and Negligence causing damage to property;
- Adverse Possession;
- Proprietary Estoppel;
- Partnerships, particularly those concerning farming partnerships and/or trusts of land;
- Professional negligence arising within those areas. Eleanor regularly acts in both the High and County Courts for institutional clients such as developers, banks and national limited companies. She has appeared a number of times before the Court of Appeal.

## Cases

- Represented the lender at the High Court in London, where the Claimants were seeking to set aside the lender's mortgage on grounds of alleged undue influence. The Claimants discontinued their Claim against the lender on the cusp of the Hearing of the lender's strike-out Application in respect of the Claim.
- Eleanor represented one of two Defendants at a 3 day Trial concerning a Claim brought against her client in the tort of conspiracy. The Claim related to the purchase of a property in 2002 which was said to have been procured by an unlawful means conspiracy; alternatively, by a lawful means conspiracy. The Claim was dismissed in its entirety. Additionally, the judge observed that any Claim would also have been statute-barred under the Limitation Act 1980.
- Eleanor represented the Defendant in a multi-day Trial concerning a dispute between father and daughter. The Claimant was seeking to set aside a lifetime gift of property made by him to his daughter on the basis that he alleged that his daughter had unduly influenced him to enter into the transaction. The Claim to set aside the gift failed entirely and was dismissed with costs.
- Eleanor represented the Claimant mortgagee during the course of a multi-day Trial, where the Defendant was seeking to set aside the Claimant's all-monies legal charge on the grounds of alleged undue influence and/or misrepresentation. The Claimant was successful, obtained a 28 day Possession Order and a Money Judgment for in excess of £4 million.
- Eleanor represented the Defendants in a multi-day Trial concerning the statutory interpretation of section 168 of the Commonhold and Leasehold Reform Act 2002 and the circumstances in which forfeiture of a long leasehold dwelling may be effected.
- Acting and advising a Claimant in the BPC in Birmingham concerning water ingress into his property, pursuing Claims against 3 Defendants. The Claim was settled on Day 1 of a 5 Day Trial.

### Significant Reported Cases:

- *Grange v Quinn* [2013] EWCA Civ 24 – Court of Appeal decision concerning the proper measure of damages to which a tenant should be entitled following unlawful eviction.
- *Crossfield v Jackson* [2014] EWCA Civ 1548 – Court of Appeal decision concerning undue influence.
- *Windermere Marina Village Ltd v Wild and another* [2014] UKUT 163 (LC) – Decision of the Upper Tribunal concerning apportionment of service charges.

## Recommendations

### The Legal 500 2024

“Eleanor is an incredibly talented individual. She is very approachable, unfazed by anything or anyone, and a very sensible and safe pair of hands.”

### Chambers UK 2022

“She provides very straightforward advice and is really practical. Her rapport with clients is really good – in conferences she is friendly, and her advice is always practical and useful for the clients.”

“She is very good on her feet and produces extremely good written work. She has a knack of getting on the good side of the judge and is assertive without being overly aggressive.”

### Legal 500 2022

“Her commercial understanding is first-rate, and her ability to cut through and see the end game is excellent.”

### Chambers UK 2021

“She is very detailed and methodical.” “In court she is fantastic with the judge, putting across her arguments very eloquently and forcefully.”

“You would be concerned if you were against her!”

“She is very knowledgeable but also approachable.” “She is not afraid to put forward a robust argument, is great on her feet and provides very commercial advice.”

### Legal 500 2021

“She is excellent in court, on paper, and in conference.”

### Legal 500 2020

“Hard-working, enthusiastic and pragmatic.”

### Chambers UK 2020

“Her practical knowledge is peerless.” “She is excellent both on her feet and on paper.”

“She is good with clients, direct, hands-on and gets to grips with things quickly.”

### Chambers UK 2018

“She’s helpful, incisive, considered and very knowledgeable.” “She is someone I would trust with a difficult case – top-notch.”

“To the point, eloquent and succinct, she is always able to put the point across in a professional manner.” “She knows her stuff and is tenacious.”

**Chambers UK 2017**

“She is thorough, well organised and very competent.”

“She is tremendously hard-working and always gives her all for clients. A safe pair of hands.”

**Chambers UK 2016**

“A very able young lawyer and certainly an up-and-coming junior.”