

## Shams Rahman

### Partner

### Property Litigation



Shams is a partner in the Property & Trusts litigation department. He joined Edwin Coe in September 2014, having previously worked at other leading London firms following qualification as a solicitor in 2000.

Shams is recognised for his expertise in litigation tactics and strategy, his pro-active approach and using excellent communication skills to resolve tricky cases. He always focuses on the wider picture and the long term goals of clients. He is particularly valued for his nerve in difficult negotiations and for understanding the commercial and business needs and objectives of his clients.

Shams is an accomplished team leader and has successfully led major cases through to mediation, trial and appeal. He is experienced in using alternative dispute resolution methods such as mediation where appropriate to achieve the best results for his clients.

Shams has expertise in all aspects of property litigation, including both commercial and residential and landlord and tenant. He is also a specialist in trusts litigation and dispute resolution, working as the trusted advisor to both private clients and trust companies on complex matters.

Given his international background (he is dual qualified in Pakistan and member of the UK Pakistan Chamber of Commerce to whom he has presented webinars), Shams is well placed in acting for commercial and high-net-worth private clients worldwide.

#### **A summary of his work includes the following:**

- projects involving substantial development contracts including JVAs
- substantial claims of adverse possession and disputed ownership of high value development land
- international trust disputes involving property assets including claims of beneficial ownership
- regulatory aspects of commercial leases
- defending health and safety and occupational prosecutions
- telecommunications masts property disputes under the Code
- professional negligence claims arising from property transactions
- company and family business/shareholder partnership disputes including corporate governance aspects of high-value freehold residential companies
- property aspects of planning disputes
- all forms of enfranchisement claims & disputes in the FTT and related court claims and building disputes.

### Experience

- Acting for the trustees of a mosque who own a 23-acre site (with significant planning potential) adjoining the Olympic Stadium in a dispute with a rival group who claim it is held on trust for them;
- Successfully acting for a joint venture party in an arbitration which held both that land

could not be sold without our client's permission and that, were the land to be sold, £5m rather than £23m should be deducted from the sale price before division amongst the JV parties;

- Acting for the defendants in *Morina & Ors v Scherbakova & Ors*, being English High Court proceedings concerning a substantial probate claim and a claim as to the ownership of the shares in a BVI company, parallel international succession dispute litigating in Belgium;
- Successfully represented the vendors of a large country estate in retrieving their sentimental family owned items and other family belongings from the property post completion, issues of alleged abandonment and title to goods;
- Representing a well known London club on the lease renewal of its premises, including issues of alleged forfeiture, disrepair, occupation and Covid related rent arrears under arbitration.
- Represented Hundalani in respect of service charge dispute and alleged interference with a right of way (*Crane Road Properties LLP v Hundalani* [2006] EWHC 2066 (Ch) [2006] PLSCS 191)
- Represented the Government of France in opposing the neighbour's proposed basement excavation at the ambassador's residence in Kensington, both in court action and planning applications
- Acted for Connie Investments Limited in its successful defence of claims brought by Avni Kensington Hotel whereby Connie was able to implement historic rent reviews of its hotel premises and recover possession as Avni's claim for security of tenure failed
- Represented developers in successfully implementing joint venture agreements with partner businesses
- Acted for a developer client in successfully resisting claims of adverse possession over valuable development land brought by multiple parties and subsequently obtaining possession at court and unlocking a substantial sale
- Dealing with multi-million pound dilapidations claims brought in respect of industrial warehousing sites
- Represented a developer in its dispute with a client contractor on its 5 star hotel project
- Acting for family members in a substantial international probate claim concerning domicile and involving multiple jurisdictions
- Invoking prescriptive rights over valuable investment premises
- Possession proceedings in relation to high-value properties including esoteric tenant's rights;
- The successful defence to a claim brought against developers by contractors in respect of a development project
- Advising lessees in a high-value residential long lease dispute with related company law advice on directors and shareholders' rights and matters of corporate governance
- Trust related litigation including alleged breaches of statutory duties
- Private client based litigation including acting for estates to resolve property disputes and substantial Inheritance Act claims involving international assets
- Represented a private landlord in substantial disputes with local authorities concerning alleged prohibition/improvement in breach of statutory notices
- Complex international arbitration under the UNCITRAL Rules
- An unfair prejudice petition leading to trial on issues surrounding settlement offers and related procedural rules
- Advising in relation to complex tax litigation and applications for disclosure under the Finance Act
- Money laundering related and general property claims involving commercial and residential landlord and tenant disputes
- Successfully defending a health and safety prosecution concerning retail premises

## Expertise

- [Property Litigation: Overview](#)

- Landlord and Tenant work
- Conveyancing disputes
- Rent and service charge recovery
- Landlord and Tenant insolvency
- Dilapidations including disrepair/defect claims
- Party Wall Act
- Forfeiture and Applications for Relief
- Lease Surrender
- Injunction Relief
- Trespass, Nuisance and Damage claims
- Leasehold Enfranchisement
- Lease exit, tactics, notices and dilapidations claims
- Lease renewal claims under 1954 Act, both opposed and non-opposed, and compensation issues
- Tactics, validity and service of break notices
- Unlawful assignment/sharing possession
- Withholding/obtaining consent
- Rent review
- Actions for breaches of covenant
- Forfeiture claims
- Obtaining possession/short tenancies
- Boundary disputes
- Collective acquisition of freehold
- Tenant's rights of first refusal
- Planning appeals and Judicial Review
- Adverse Possession actions
- Rights of way and other easements
- Modification of restrictive covenants

- Compulsory purchase issues
- Professional negligence claims against property professionals (valuation) and solicitors, consultants/other professionals
- Inheritance Act claims
- Cross-border Will/probate disputes

## Credentials

- Recommended in Legal 500 UK 2024
- Trustee of the [SBA](#), The Solicitors Charity
- Governor and trustee of St Dunstan's College, London
- Member of the Punjab Bar Council, Pakistan
- Member of the Arab Bankers Association
- Member of the Law Society
- Former Chair of the City of Westminster and Holborn Law Society Litigation sub-committee
- Work history: Payne Hicks Beach, Bishop & Sewell
- Education: Dulwich College, B.A, LL.B, LL.M. (Lond)
- Member of the Board of the Old Alleynian Association, Dulwich College

## Contact

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