



Toby Chandler



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Toby's practice centres around commercial, construction, international arbitration, professional negligence and insurance matters.

Toby advises on and acts at all stages of litigation and has appeared in the High Court as sole counsel. He is regularly instructed as part of counsel teams, including in respect of a substantial business interruption insurance arbitration and an LCIA arbitration in relation to a dredging contract between two international parties, and he prides himself in working pro-actively with other lawyers.

Toby was recently seconded to the DAC Beachcroft's construction & engineering insurance team in Leeds, where he spent three months working directly with solicitors on a variety of disputes and adjudications. The experience provided direct experience of what solicitors and clients want from counsel and he is both user-friendly and commercial.

Prior to joining Chambers, he was a judicial assistant at the Commercial Court to Foxton and Calver JJ and undertook pupillage at Essex Court Chambers. At the Commercial Court, he was heavily involved in the preparation of judgments in arbitration-related proceedings, international jurisdictional and choice-of-law disputes and a variety of commercial applications.

At Essex Court Chambers, Toby's training focused on commercial and international disputes. He has a broad experience of conflict-of-laws, arbitration and civil fraud. Of particular note is his involvement in *Navigator Equities v Deripaska* [2020] EWHC 1798 (Comm), a major Commercial Court committal trial clarifying the duties of those seeking to have a counter-party committed to prison, as well as working on the *HSBC v SIB* litigation, one of the Lawyer's Top 20 cases of 2021.

Commercial

Examples of Toby's work include:

- Business interruption insurance arbitration in relation to group action claim against insurers (led by Andrew Rigney QC)
- Claim against accountants in respect of tax planning on a £200 million development (led by

Daniel Shapiro QC)

- Advised on a multi-party mediation relating to a property development leading to substantial damage to underground services infrastructure (led by Daniel Shapiro QC)
- Proceedings in relation to negligent design of a luxury residential development causing flooding (led by Daniel Shapiro QC)
- Advice on potential international fraud claim arising out of misappropriation of funds from Dubai and BVI companies
- Advice in relation to claim against solicitors alleged to have failed to overreach a charging order on the family home following judgment in a fraudulent misrepresentation claim
- Proceedings in relation to allegedly negligent agronomist advice on a commercial farm said to have caused crop to fail.
- Advising a fitness centre as to flood damage and the responsibility for repairs under a commercial lease and related management contracts
- Advisory work regarding the enforceability of a commercial guarantee against a company director alleged to have suffered undue influence
- Proceedings relating to the construction of a bespoke race car for a former celebrity DJ
- Proceedings to recover sums paid pursuant to an unauthorised directors' loan account
- Advised in relation to a fire at a storage facility and potential claims against the owners and the neighbouring premises where the fire began

Construction & Engineering

Examples of Toby's work include:

- Advice on the effect of changes to the Defective Premises Act introduced by the Buildings Safety Act 2022 (led by Isabel Hitching QC)
- Acting on a \$10 million LCIA arbitration in relation to a dredging contract between a Bahamian and American Company. English law and English seated arbitration. (led by Carlo Taczalski)
- Advised on a multi-party mediation relating to a property development leading to substantial damage to underground services infrastructure (led by Daniel Shapiro QC)
- Proceedings in relation to negligent design of a luxury residential development causing flooding (led by Daniel Shapiro QC)
- Has acted on a range of adjudication and adjudication enforcement matters including in respect of defective sub-contractor work on a mosque, final account disputes and in respect of jurisdictional and natural justice challenges to awards
- Advised on a multi-party mediation relating to a property development leading to substantial damage to underground services infrastructure (led by Daniel Shapiro QC)
- Advising a fitness centre as to flood damage and the responsibility for repairs under a commercial lease and related management contract
- Advised in relation to an extension built without planning permission at a residential property
- Acted against a sub-contractor for failure to repair the negligent construction of roofing in a block of flats
- Acting in relation to a claim for sums alleged to be owed under an undocumented invoice raised for alleged work done on a major construction site
- Strike out of claim against party wall surveyor raising issues of arbitral immunity and jurisdiction
- Proceedings against a national estate agent in relation to an employee alleged to have caused

- extensive property damage to a home
- Advised in relation to a fire at a storage facility and potential claims against the owners and the neighboring premises where the fire began
- During pupillage:
 - A claim arising out of an explosion at a powdered milk factory causing c. £40 million property damage
 - Supported on claims arising out of various fires, including at a thatched cottage, a commercial restaurant and a commercial refrigerator

International Arbitration

Toby has particular interest and experience in international arbitration and international conflict of laws issues

- Business interruption insurance arbitration in relation to group action claim against insurers (led by Andrew Rigney QC)
- Acted on a \$10 million LCIA arbitration in relation to a dredging contract between a Bahamian and American Company. English law and English seated arbitration. (led by Carlo Taczalski)
- Advice on potential international fraud claim arising out of misappropriation of funds from Dubai and BVI companies
- Advice on choice of law and jurisdiction in an international sale of goods contract.
- During pupillage he was involved in a range of arbitration and arbitration related proceedings and is astute at dealing with issues of foreign law and parallel proceedings:
 - Drafted a skeleton argument for a Cayman Islands appeal as to whether there was jurisdiction to grant *Norwich Pharmacal* relief in support of foreign proceedings
 - *Tugushev v Orlov*: a £300 million fraud trial concerning the ownership of a substantial fisheries business. Supported on opposing an application for a s9 Arbitration Act stay; preparing documents for a disclosure review exercise of privileged correspondence going back over a 25-year period; providing advice on the nature of a *Hunter v Moss* trust arising out of extensive amendments to the pleaded case
 - *PJSC VTB Bank v Laptev* [2020] EWHC 321 (Ch): Parallel bankruptcy proceedings where the proposed bankrupt was already subject to Russian insolvency proceedings, raising issues as to choice-of-law and jurisdiction
 - Drafted initial advice and the Particulars of Claim in an international dispute arising out of the sale of a £125 million superyacht in Switzerland
 - Prepared an advice on strike out and a list of issues on litigation in *SIB v HSCB Bank* relating to dishonesty and the *Quincecare* duty of care

International Disputes

Toby has significant experience in international disputes raising issues of jurisdiction, choice-of-law and enforcement of foreign judgments. During pupillage he was involved in the following:

- Drafted a skeleton argument for a Cayman Islands appeal as to whether there was jurisdiction to grant *Norwich Pharmacal* relief in support of foreign proceedings

- *Tugushev v Orlov*: a £300 million fraud trial concerning the ownership of a substantial fisheries business. Supported on opposing an application for a s9 Arbitration Act stay; preparing documents for a disclosure review exercise of privileged correspondence going back over a 25-year period; providing advice on the nature of a *Hunter v Moss* trust arising out of extensive amendments to the pleaded case
- Drafted a summary judgment application in relation to a commercial guarantee issued by a Western African state and its central bank raising issues of state immunity and the construction of guarantees and on-demand performance bonds
- *PJSC VTB Bank v Laptev* [2020] EWHC 321 (Ch): Parallel bankruptcy proceedings where the proposed bankrupt was already subject to Russian insolvency proceedings, raising issues as to choice-of-law and jurisdiction
- Drafted initial advice and the Particulars of Claim in an international dispute arising out of the sale of a £125 million superyacht in Switzerland
- Prepared an advice on strike out and a list of issues on litigation in *SIB v HSCB Bank* relating to dishonesty and the *Quincecare* duty of care
- A claim relating to defective heart monitors relating to a Delaware company dissolved under the law of its incorporation

Professional Liability

Examples of Toby's work include:

- Claim against accountants in respect of tax planning on a £200 million development (led by Daniel Shapiro QC)
- Proceedings in relation to negligent design of a luxury residential development causing flooding (led by Daniel Shapiro QC)
- Advice in relation to claim against solicitors alleged to have failed to overreach a charging order on the family home following judgment in a fraudulent misrepresentation claim
- Drafted interlocutory application to cross-examine a claimant alleging negligence against former solicitors in relation to a costs order which was entered against her in relation to a fundamentally dishonest personal injury claim
- Advised and drafted letters in relation to allegations of negligence against a solicitor conducting employment proceedings on behalf of a former employee alleging discrimination and unfair dismissal
- Advised and drafted letters in relation to breach of data protection regulations and misuse of private information in relation to a solicitor alleged to have improperly disclosed a client's file
- Defence of solicitor accused of fraud and conspiracy by a former client on a commercial sale
- During pupillage:
 - Drafted research notes on various issues arising out of *Raiffeissen v ACE* [2020] EWCA Civ 11 including the quantification of damages; supported the appeal on disclosure in relation to financing arranged by Ashurst for an Indonesian company
 - Accountants' negligence claim arising out of advice given in relation to EIS tax relief
 - Advised and drafted proceedings in claim against a solicitor alleged to have acted on instructions of an 'agent' who was fraudulently purporting to act for their principal



Product Liability

Examples of recent work includes:

- Advised on a multi-party mediation relating to a property development leading to substantial damage to underground services infrastructure (led by Daniel Shapiro QC)
- Drafting proceedings in relation to allegedly defective construction safety equipment.
- During pupillage he supported on:
 - A claim arising out of an explosion at a powdered milk factory causing c. £40 million property damage
 - A claim relating to defective heart monitors relating to a Delaware company dissolved under the law of its incorporation
 - A claim against a Spanish company in relation to a negligently manufactured cooling component in a commercial fridge

Property Damage

Toby welcomes instructions in property damage matters. He is regularly instructed in drafting, advice and representation. He has supported across a range of subject matters including in relation to fire damage, storm and flood damage, defective building work, collapsed trees as well as other matters. In particular he has advised as to:

- Advised on a multi-party mediation relating to a property development leading to substantial damage to underground services infrastructure (led by Daniel Shapiro QC)
- Proceedings in relation to negligent design of a luxury residential development causing flooding (led by Daniel Shapiro QC)
- Proceedings against a national estate agent in relation to an employee alleged to have caused extensive property damage to a home
- Proceedings against a storage company alleged to have stolen a range of valuable possessions from the owner
- Acted on behalf of a Welsh Council alleged to be liable for flood damage to the owner of a second-home
- Leak of oil causing extensive damage to a family home

Qualifications

- City University, BPTC, 2019, Very Competent; Lincoln's Inn Denning Scholar (2018)
- University of Bristol, LLB, 2015-2018, First Class
 - Editor in Chief, Bristol Law Review; Chair of Debate for Bristol Law Club; Convener of Bristol Debating Union



Memberships

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