



Toby Chandler



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Toby is regularly instructed in all aspects of chambers' commercial, insurance and re-insurance and construction work. He is regularly involved, both led and unled, on substantial litigation in the Commercial Court and the TCC as well in arbitrations (both in the UK and internationally) and adjudications.

He is recommended by the Legal 500 as a rising star in both Insurance and Reinsurance and in Professional Negligence where he is particularly praised for his clear, analytical and commercial advice, and for his ability to work collaboratively and constructively as both part of a team and with lay clients.

## Commercial

Commercial disputes sit at the heart of Toby's practice, and he has experience as both sole and junior counsel across a wide range of commercial cases including disputes regarding the proper forum for disputes, contractual formation and construction, the scope of tortious and fiduciary duties and civil fraud. Toby's insurance, professional liability, arbitration and construction & engineering practices are set out in more detail under separate headings.

Recent high-profile examples of Toby's commercial work includes:

- Instructed on a c. £10 million dispute concerning allegedly negligent tax advice in relation to a £200 million building project (led by Daniel Shapiro KC).
- Claim against agricultural professionals including the scope of duties owed by an agronomist instructed to advise upon the soil and land use at a substantial potato farm. Toby appeared unled against leading counsel in the Circuit Commercial Court.
- Successful strike out and challenge to jurisdiction in respect of a dispute arising out of the financing of a K-12 education business in Hong Kong and China.

Toby is frequently involved in cases which involve allegations of dishonesty, deceit and the misappropriation of assets. Further examples of such civil fraud work include:

- A substantial directors' duty claim arising out breach of a multi-million-pound joint venture agreement being heard in the Commercial Court, arising from the alleged misappropriation of

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assets from businesses domiciled in the UK and the BVI.

- International fraud claim arising out of misappropriation of funds from Dubai and BVI companies worth c. \$1.5 million.
- A civil fraud action in respect of various breaches of directors and fiduciary duties on a transaction to defraud creditors of a corporate group worth c. £4 million. Toby acts for solicitors alleged to have facilitated the fraud in defending the claim and the third-party claim against the alleged fraudsters.

## International and Arbitration Disputes

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Toby is regularly instructed on disputes involved in arbitrations and disputes involving a cross-border element. He is available to advise on all aspects of jurisdictional, proper law and enforcement issues. Recent examples include:

- A v B: Group action brought against insurers relating to substantial business interruption losses caused by COVID-19 (led by Andrew Rigney KC and Caroline McColgan).
- C v D: \$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).
- E v F: Northern Irish seated arbitration against insurers in respect of a claim arising out of the allegedly dishonest conduct of a solicitors practice (led by Carlo Taczalski).
- G v H: ARIAS arbitration in respect of coverage and quantum and a contractors all-risk policy (led by Isabel Hitching KC).

## Insurance & Reinsurance

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Toby has particular interest and specialism in insurance litigation. He is recommended by Legal 500 as a rising star in insurance and re-insurance litigation, where he is described as *'clear, concise and ...very user friendly'*. Toby has a wealth of experience dealing with coverage issues on different types of policies. Particular examples include:

- Advised major insurer on Covid-19 coverage and issues arising in respect of, amongst other things, the status of furlough payments (led by Ben Quiney KC and James Sharpe).
- Claim against insurers in relation to a major fire at a commercial factory alleged to have cause in excess of £100 million in business interruption losses (led by Daniel Shapiro KC).
- Advice in respect of the evidence required to prove the prevalence of Covid-19 under *'At The Premises'* clauses (led by James Sharpe).
- Cladding claim in excess of £5 million brought under the Third Parties (Rights Against Insurers) Act 2010 against insurers domiciled both within and outside the jurisdiction (led by Ivor Collett). Toby advised on the transfer of a jurisdiction clause following the statutory assignment of rights.
- Claim against insurers in respect of a negligently made PCC where coverage was denied. Issues arose as to the scope of the duty to make a fair presentation of the risk, and whether the underlying architectural practice had dishonestly or recklessly made the negligent statements.

### *Subrogated Claims*

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- Toby frequently handles subrogated claims in relation to property damage, professional liability and product liability. Toby has particular expertise in dealing with insurance issues where they arise in cross-over practice areas, such as dealing with insolvent insureds and Defendants, and claims arising out of construction and engineering and professional liability disputes.

## Construction & Engineering

Toby regularly acts in TCC proceedings, both led and unled, across a range of sectors and disputes. He acts for both employers and contractors and regularly assists in cases which raise insurance coverage issues, including claims under PI, Property and Liability policies. He has particular experience in cases involving construction professionals and has acted in respect of allegations against architects, engineers, and surveyors as well as novel claims in respect of private building inspectors and party wall arbitrators.

Toby is frequently instructed in respect of property damage caused by defective construction work both for and against contractors and insurers under the Third Party (Rights Against Insurers) Act 2010. He has acted in respect of all manner of damage including fire and flood damage, oil leaks, chemical contamination, storms and sewage seeping through the floor. Toby has particular experience in respect of damage caused by commercial operations including neighbouring construction operations and flooding caused by changing farming practices.

Toby is a contributing editor to Emden's Construction Law where he authored the chapter on 'Variations'.

Recent cases include:

- The Grenfell Tower Litigation: Toby acts, as part of a team led by Andrew Rigney KC, in respect of civil claims arising out of the Grenfell Tower Fire.
- Claim in respect of India Buildings, a Grade II listed Beaux-Arts building of historic importance in Liverpool, and disputes arising out of its redevelopment (led by Tom Owen KC)
- Advice on the effect of changes to the Defective Premises Act introduced by the Buildings Safety Act 2022 (led by Isabel Hitching KC).
- Advised on a multi-party mediation relating to a property development leading to substantial damage to underground services infrastructure (led by Daniel Shapiro KC).
- Various cladding disputes: Toby is regularly instructed for both building owners and contractors in respect of fire safety issues alleged to be result of allegedly dangerous cladding. Proceedings include against those against insurers of insolvent contractors and where there are difficult contractual and statutory limitation issues.
- Advising in respect of the enforceability of an arbitration clause on a £3 million dispute concerning a nuclear facility.

## Professional Liability

Toby is regarded by Legal 500 as a rising star in professional negligence claims where he is described as *'very analytical and offer[ing] sound commercial advice. His written work is good and he builds a very good rapport with the client'*. Toby is regularly instructed in claims involving all manner of professionals.

Examples of his work include:



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## Construction Professionals

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Toby is regularly instructed on claims arising out of a variety of projects in respect of all classes of construction professionals, including architects, engineers, surveyors and non-traditional professionals including planning consultants and flooding engineers. Such claims include:

- The Grenfell Tower Litigation: Toby acts, as part of a team led by Andrew Rigney KC, in respect of civil claims arising out of the Grenfell Tower Fire.
- Proceedings in relation to negligent design of a luxury residential development causing flooding. Claims are being pursued against architects, developers, structural engineers, flooding surveyors and planning consultants (led by Daniel Shapiro KC).
- Surveyors negligence claim arising out of the purchase of substantial arts & crafts style property where the loss of value is estimated to be c. £1 million (led by Carlo Taczalski).

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## Lawyers

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Toby also acts in respect of claims against both barristers and solicitors acting and advising on a variety of areas including: property and commercial transactions, the conduct of litigation, cross-border tax structures, criminal prosecutions and data protection. Particular high-profile examples of his work include:

- Claim against a solicitor in respect of an alleged *Quistclose* trust arising out of a property transaction.
- Acted for solicitors in respect of an alleged claim in respect of the Claimant's alleged wrongful conviction of murder.
- Advice in relation to a claim against solicitors, following judgment in a commercial court fraudulent misrepresentation claim, alleged to have failed to overreach a charging order on the family home.

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## Accountants, Insurance Brokers and Directors & Officers

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Toby is regularly instructed to act on claims against commercial and financial professionals. Particular examples include the following:

- Claim against accountants in respect of the tax planning on a £200 million development. Liability was disputed and issues arose as to the nature and causation of economic loss claimed (led by Daniel Shapiro KC).
- Brokerage claim in relation to the failure to place cover. Issue arose as to whether the payment of a purchase price (without express acceptance) is sufficient to form the basis of an instruction to a broker.
- Civil fraud action in respect of various breaches of directors and fiduciary duties on a transaction to defraud creditors. Acting for solicitors alleged to have facilitated the fraud worth c. £4 million.

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## Qualifications

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- City University, BPTC, 2019, Very Competent; Lincoln's Inn Denning Scholar (2018)
- University of Bristol, LLB, 2015-2018, First Class



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## Memberships

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## Recommendations

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"Toby's advice is clear, concise and he is very user friendly and easy to get on with. Very much a valued member of the team."

Rising Star, Insurance and Reinsurance, Legal 500, 2025

"He is very analytical and offers sound commercial advice. His written work is good and he builds a very good rapport with the client."

Rising Star, Professional Negligence, Legal 500, 2025