

# GREENS LIST

BARRISTERS



## DAVID LLOYD

BAR ROLL: 1997 | ADMITTED: 1980

David has a well-established practice in the field of property law. He has undertaken work for the State and Federal Governments, the Registrar of Titles and the ANZ Bank.

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## EXPERTISE

**Commercial Law** | **Environmental Law & Planning Law** | **Equity & Trusts Law** | **Property Law** | **Wills & Estates Law**

## PROFILE

David has a well-established practice in the field of property law. He has undertaken work for the State and Federal Governments, the Registrar of Titles and the ANZ Bank.

He now has close to 45 years' experience in property law, about a third of them as a solicitor. He has been a member of the Property Committee of the Law Institute of Victoria for over 20 years and has spoken at numerous seminars organised by the Law Institute of Victoria and the Leo Cussen Institute, amongst others. He has written many articles for the Law Institute Journal and has been an author of the Contract of sale of land co-published by the Law Institute of Victoria and the Real Estate Institute of Victoria since 2008.

David and William Rimmer are the authors of *Sale of Land Act Victoria*, published by Thompson Reuters in October 2015 and *Victorian Land Contracts*, published by Thompson Reuters in July 2020. They are currently writing the second edition of *Sale of Land Act Victoria* with a view to publication in late 2023, and a new work on the *Transfer of Land Act 1958* in conjunction with Robert Hay KC. In addition, David is engaged in writing his own work on the *Property Law Act 1958*.

## RECENT CASES



Rogalski v Bedelis Investments Pty Ltd  
(2001) V ConvR 58- 562 – termination of  
retail lease



V K & M R Leong Nominees Pty Ltd v Batur  
[2003] VSC 17 – equitable set-off under  
leases



Apriaden Pty Ltd v Seacrest Pty Ltd (2005)  
12 VR 319 – application of the doctrine of  
repudiation to leases



AAMR Hospitality Group Pty Ltd v Goodpar  
Pty Ltd [2009] VCAT 2782 – assignment of  
retail lease



Histon Pty Ltd v. Thureau Pty Ltd [2010] VCC  
2014 – construction of lease



Ottedin Investments Pty Ltd v Portbury  
Developments Co Pty Ltd (2011) 35 VR 1 -  
terms contracts for the sale of land - waiver  
of statutory avoidance rights & summary  
judgment



McDonald v Bowen & Pomeroy Pty Ltd  
[2011] VCC 979 – priority of competing  
equitable interests



Putt v Perfect Builders Pty Ltd [2013] VSC  
442 - subject to finance condition



Putt v Perfect Builders Pty Ltd [2013] VSC  
600 - abuse of process/ res judicata & issue  
estoppel



Barfly's Nominees Pty Ltd v Manthos [2003]  
VCAT 1941 – lease repair covenant and set-  
off against rent



Bretair Pty Ltd v Lenro Properties Pty Ltd  
[2004] VCAT 1141 – rental valuation and  
disregard of improvements



Graham v Gameday Enterprises Pty Ltd  
[2008] VSC 140 - caveat removal



Holland v Roperti [2009] VSC 378 - specific  
performance of sale of land contract



Johnson v Surf Coast Shire Council [2011]  
VCAT 495 – valuation of land



Perpetual Trustees Victoria Limited v Xiao  
[2011] VSC 680 - adjournment of trial



Perpetual Trustees Victoria Limited v Xiao  
[2012] VSC 65 – application to set aside  
judgment



Freilich v Wharton [2013] VSC 533 –  
modification of restrictive covenant



De Amicis v Mattiuzzo [2013] VSC 733 - time  
of the essence of a contract; time period in  
notice of default



Perpetual Trustees Victoria Ltd v Xiao [2015] VSC 21 – indefeasibility of title/ forged mortgage/ Tsai defence



Re P/LJ Pty Ltd [2015] VSC 401 – modification of restrictive covenant



Stoops v Lefas [2016] VSC 350 - abuse of process; interpretation of covenant



Re Morihovitis [2016] VSC 684 – modification of restrictive covenant



Re Jonson [2016] VSC 721 – modification of restrictive covenant



Kotsifas v Parente [2016] VSC 833 - validity of rescission notice; repudiation; relief from forfeiture of deposit



Sutherland v Globe Real Estate Pty Ltd [2018] VSC 408 - costs & interest on judgment sum



The Bay and Bridge Hotel Pty Ltd v Ventofond Pty Ltd [2018] VCAT 1489 - setting aside rental determination



ITMA by Tu and Yew [2018] VSC 738 - restrictive covenant modification



Xu v Ntarelli [2018] VSC 759 - determining beneficiaries of restrictive covenants; building schemes; Property Law Act section 56



Coleston v Carney [2019] VCC 177 - assessment of damages for breach of sale of land contract



Re Tang [2019] VSC 467 - restrictive covenant modification



Re CLC Property Group Pty Ltd [2019] VSC 492 - restrictive covenant modification



Taylor v Taylor [2019] VSC 533 - promissory estoppel and equitable compensation



Re Young [2019] VSC 755 - restrictive covenant modification



Anto v Pegoraro [2020] VSC 76 - restrictive covenant modification



Foudoulis v O'Donnell [2020] VSC 246 - restrictive covenant modification



Zwierlein v Coelho [2021] VSC 451 - restrictive covenant modification



607 Sunbury Road Pty Ltd v Melbourne Linh Son Buddhist Society Inc [2021] VCC 1762 - nomination under sale of land contract amounting to terms contract



Taylor v Taylor [2021] VSCA 352 - extension of time application; compensation for promissory estoppel



Sorbara v Prochilo [2022] VSC 146 -  
easement by lost modern grant




Callea v Wenfang [2022] VCC 508 -  
rescission under s 32K of the Sale of Land  
Act 1962

## Memberships & Committees

[Victorian Bar](#)

To get in touch with David Lloyd | or for more information please contact the Clerk on:

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