

THE SUBSIDENCE FORUM – LITIGATION SUB-COMMITTEE

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Causation: Tips and Tactics

By

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1. Balance of probabilities: The Popi M [1985] 1 WLR 948
2. Legal Test: Loftus-Brigham v. LB Ealing [2003] EWCA Civ. 1490
3. In practice:
 - (i) Tree(s)
 - (ii) Roots under the foundations
 - (iii) Desiccated sub-soil
 - (iv) Seasonal movement of cracks
 - (v) Damage consistent with tree root subsidence
 - (vi) Distortion surveys
4. Knocking a leg out from under the table or alternative theory?
5. L E Jones (Insurance Brokers) Limited v Portsmouth City Council [2002] BLR 244
Eiles v. LB Southwark [2006] All E R (D) 237 (TCC)
6. Drake v. Harbour [2008] EWCA Civ 25
Ide v. ATB Sales [2008] EWCA Civ 424

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