

Duty of care owed for gratuitous services given to friends

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A person owes a duty of care when doing work for free to do it to a standard which accords with the expertise they claim to

have, even where the work is being done for their friends.

Ms Lejonvarn was an architect who was friends with Mr and Mrs Burgess. In 2012 the Burgesses obtained a preliminary design and a quotation in the region of £200,000 for landscaping works they were planning in their back garden. Ms Lejonvarn suggested that the project could be completed with a smaller budget (one in the region of £130,000) and began to provide design and project management services. Ms Lejonvarn did not ask for payment and a formal contract was never discussed. As the project progressed, the Burgesses became concerned about the cost and quality of the work.

Their relationship deteriorated and the Burgesses hired an alternative landscape designer to finish the project. The Burgesses brought a claim against Ms Lejonvarn (with a value of up to £265,000) for the increased cost of the project and remedial works.

The High Court ruled that although the parties did not agree a contract, Ms Lejonvarn did owe a duty of care relating to the various services she provided. The court emphasised that the advice Ms Lejonvarn gave was neither ad hoc nor minimal and went beyond the kind of informal advice professionals often give to their friends. The case is currently pending full trial to determine whether Ms Lejonvarn's actions breached the duty she owed.

The case is an abject lesson about mixing work and friendship.

Burgess & Anor v Lejonvarn [2016] EWHC 40 (TCC)

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