

14th Annual Residential Landlord & Tenant Update

Focused guidance from our team of
experienced practitioners

19 October 2011, London

6 Hours CPD

Attending this one day conference will allow you to advise with confidence on residential landlord and tenant disputes, with the benefit of up to date knowledge, useful practical tips and helpful insights

book via our website:
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9.00 Registration and Coffee

9.30 Chairman's Welcome and Introduction

Professor James Driscoll, Chair of Residential Property Tribunal

9.45 The Impact of Housing Provisions in the Localism Bill

- Flexible tenancies - a new tenure for council tenants
- Amendments to the secure and assured tenancy regimes
 - Separate rules for assured tenants of registered providers
 - Repairing obligations for leases of 7 years or more
 - Changes to the right to acquire
- Extended role for housing ombudsman

Catherine Hand, Trowers & Hamlins LLP

10.30 Park Homes - The New Regulations and Jurisdiction

- What are park homes?
- Transfer of jurisdiction from the court to the residential property tribunal
- Summary of the rights of Park Home owners
- The court of appeal decision in *Murphy v Wyatt* (2011) EWCA Civ 4008

Professor James Driscoll, Chair of Residential Property Tribunal

11.15 Coffee

11.30 Service Charges in 2011

- Recovery under the terms of the lease
- Reasonableness and LTA 1985 s.19
- Other statutory provisions, including recent cases on LTA 1985 s.20 (*Paddington Basin v West End Quay*), s.20ZA (*Daejan v Benson*) and s.20B (*Holding & Management v Solitaire*)
- Pending revisions to RICS Residential Service Charge Management Code 2009

Mark Loveday, Tanfield Chambers

12.00 Assured Shorthold Tenancies and Section 21

- Background to the Housing Act 1988
- ASTs before and after 28 February 1997
- Fixed terms and periodic tenancies
- Section 21 - an analysis
- Saving clauses
- Service of notices
- Using the notice

Tessa Shepperson, T J Shepperson

1.00 Lunch

2.00 Tenancy Deposit Protection - The Latest Position

- A brief background to tenancy deposit protection
- Intent of the TDP legislation
- Key cases and their outcomes
- Proposed amendments to the legislation and what it will mean
- Adjudication and the schemes

David Smith, Anthony Gold Solicitors

2.40 Disrepair - Recent Issues

- Pre action protocol - problems with experts
- Pre litigation costs - recovery of pre litigation costs after *Birmingham v Lee*
- Re litigation - when will it be an abuse to raise a disrepair claim?
- Defective buildings - liability under the Defective Premises Act
- Some recent quantum cases

Daniel Dovar, Tanfield Chambers

3.20 Tea

3.35 Public Law Defences to Possession Proceedings

- Consequences of the Supreme Court decisions in *Pinnock* and *Powell/Frisby*
- How Article 8 ECHR will now affect possession proceedings
- "Non-secure" tenancies compared with others
- "Proportionality" in possession claims
- Effect on Court processes
- Practical considerations for litigators

Donald Broatch, Five Paper

4.05 Residential Long Lease Update

- When is a building a house for enfranchisement purposes
- New decisions on this point
- When are notices properly signed?
- Recent decision on valuation and procedure

Anna Favre, Pemberton Greenish LLP

4.45 Chairman's Concluding Remarks and Questions

5.00 Conference Close

14th Annual Residential Landlord & Tenant Update

In a year which has seen yet more changes to residential landlord and tenant law, CLT's 14th Annual Residential Landlord and Tenant Conference covers all the relevant developments in this area.

Changes during the year include the new regulations on park homes, the anticipated Localism Bill, the latest on public law defences and assured shorthold tenancies.

Chairman:

Professor James Driscoll is a solicitor, an author and a Lawyer Chair of the Residential Property Tribunal. For 20 years he was a consultant solicitor with Trowers & Hamblins specialising in housing law. A prolific author of books and articles, he is the consultant editor to *Butterworths Residential Landlord and Tenant Handbook* (5th ed, 2010), to *Halsbury's Laws* (vol 22 'Housing') and several other books and loose-leaf works. James is a consultant editor to the *Landlord and Tenant Reports* and he contributes articles to the *Estates Gazette*, the *New Law Journal* and other publications. He is also a well-known speaker at conferences on housing and property law and he has held several academic positions in England and the USA. He is currently a visiting fellow at Essex University. James has contributed to *Enfranchisement Explained* (RICS).

Speakers:

Donald Broatch is a member of Five Paper where he practices mainly in administrative law housing and employment. He has extensive advocacy experience, particularly at appellate level. He has appeared in a large number of high profile cases, including in the ECJ and House of Lords. Donald also has a substantial advisory practice and he is instructed both for and against applicants for judicial review, tenants and other individual litigants. He is instructed by a number of local authorities for whom he regularly acts in cases of significance. Donald has lectured on topics arising from his specialist areas of practice, including the European Convention on Human Rights, judicial review, homelessness and public defences and conducted a seminar for local authority and social housing lawyers on the Public Sector Equality Duty in the Equality Act 2010.

Daniel Dovar was called to the bar in 1997 and has developed a landlord and tenant/real property practice over the last 13 years. As well as advising and litigating, Daniel regularly lectures and provides seminars on property related matters. He is also co author of the popular book *Residential Possession Proceedings* (8th edition Sweet & Maxwell) and writes for journals such as the *Landlord and Tenant Review*, *Solicitors Journal* and the *New Law Journal*.

Anna Favre is a solicitor with Pemberton Greenish LLP. She is a recognised expert in the field of leasehold enfranchisement, acting for major London landed estates including Cadogan, Sloane Stanley and the Day Estates as well as a large number of tenants. Equally, she advises companies and high net worth individuals on all aspects of residential property law. Anna regularly presents at conferences and seminars, and has written for both the legal and general press on these specialist areas. She is a member of the Association of Leasehold Enfranchisement Practitioners.

Catherine Hand is a partner at Trowers & Hamblins LLP where she plays a key role in their public sector and housing teams. Catherine has acted for housing associations and local authorities for over 20 years, advising on major transactions including regeneration schemes and stock transfers, advising on governance and charity law powers and audit issues, and all aspects of housing law. She speaks regularly at housing conferences to housing professionals and lawyers on legal issues relating to the provision of affordable housing.

Mark Loveday is a specialist property litigator at Tanfield Chambers. He advises and represents residential landlords and tenants on residential management and enfranchisement issues and is recommended as a leading junior in real estate law by *Chambers & Partners* and the *Legal 500* directories. Mark's clients include the major London estates and private property groups. He is general editor of *Service Charges and Management: Law & Practice* (Sweet & Maxwell, 2009) and other property law texts and his column on residential property legal issues appears in the *Times* every Friday.

Tessa Shepperson is a solicitor specialising in private residential landlord and tenant work. She is the creator of the successful online service www.landlordlaw.co.uk and blogs at www.landlordlawblog.co.uk. She has written books for Law Pack Publishing, including *The Complete Guide to Residential Letting and Renting: the Essential Guide to Tenants' Rights*.

David Smith is a solicitor specialising in landlord and tenant matters with Anthony Gold Solicitors. He gained his doctorate and experience as a university lecturer before retraining in law. He has successfully combined his academic experience with practical legal knowledge and lectures for private clients as well as regularly being invited to speak before audiences for ARLA, the NAEA, the CLT, particularly in regards to recent changes in legislation. He is the co-author (with Francis Davey) of *The Housing Act 2004 and Residential Lettings: A Practical Guide*, published by RICS.

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