

Mathew McDermott

Call 2008

Telephone [020 7831 0222](tel:02078310222)

Email clerks@42br.com



Introduction

Mathew is a through-and-through landlord and tenant specialist, with a particular emphasis on social housing. If the matter is of relevance to either a landlord or a tenant, in whatever guise they appear (residential or commercial) or whatever Court or Tribunal in which they find themselves, Mathew will be able to assist.

His primary area of work is social housing with homelessness appeals comprising a very large portion of that work, and a growing judicial review practice on top. He frequently acts for many London boroughs, as well as other social landlords and tenants. He has given – and continues to give – training to solicitors and other professionals throughout the country on landlord and tenant matters, and he has written in the legal press numerous times and contributed recordings to the professional development podcasting service, CPDCast.

Above everything Mathew gives direct, concise, no-nonsense and honest advice that cuts through the irrelevancies and focuses solely on what matters to the client. One solicitor has said that “Mathew has the knack of still seeing the wood despite there being many trees in the way”.

In his spare time Mathew enjoys running, walking his beloved Whippet, Maple, and spending time with family. He is also keenly interested in British and North American history, in particular socio-economic history from the mid-19th Century to the 1980s, and also devours any book related to the Second World War.

Social Housing Profile

Rather than simply list the sort of cases with which he regularly deals, as a general rule if the issue or question relates to the occupation or condition of social housing – from the perspective of either the landlord or the tenant/occupier – Mathew can help. Indeed, prior to the Bar Mathew cut his teeth at a busy Housing Aid centre assisting tenants and mortgagors on the Duty Possession Desk. As such, Mathew’ experience in this field stretches beyond his years of work as a barrister.

A large portion of Mathew’s practice sees him advising on homelessness appeals under the Housing Act 1996, drafting skeleton arguments in respect of them and, of course, appearing in Court on behalf of both local authorities and applicants. Mathew is also accustomed in dealing with the now-frequently raised equality and human right issues in the housing, allocations and homelessness context.

Mathew has written a number of articles for the New Law Journal, Lexis Nexis PSL and Adviser (published by the Citizens Advice Bureau) and has recorded a number of podcasts on behalf of CPDcast. He also instigated and edits 42 Bedford Row's successful and widely-distributed Housing Law Bulletins, which are often published by the Local Government Lawyer.

Landlord and Tenant Profile

Mathew's experience of landlord and tenant matters reaches well-beyond the social housing sector, whether that landlord or tenant is a residential or a commercial one. He is very experienced in long leasehold matters and regularly appears in the First-Tier Tribunal (Property Chamber) and has appeared in the Upper Tribunal (Lands Chamber). In this respect he is regularly instructed on issues ranging from lease extension, enfranchisement, Right to Manage and the payability and reasonableness of service charges. He also has a burgeoning TOLATA practice and has recently appeared in a number of multi-day trials.

He is particularly interested in the ever-changing context in which private residential landlords find themselves in respect of both managing and obtaining possession of premises (tenancy deposits, retaliatory eviction, HMOs, etc)

Mathew is also frequently instructed in forfeiture proceedings, whether they stem from breaches of residential or commercial leases, regardless of the nature of the breach. He has considerable experience advising on discreet points in this respect concerning entitlement to forfeit and waiver of the same. His commercial practice has additionally seen him undertake advisory and court work in respect of contested business lease renewals under the Landlord and Tenant Act 1954.

Mathew's direct and realistic advice is particularly valuable in the commercial context, and he prides himself in this respect on his ability and willingness to assist his solicitors or clients with the progression of the case generally.

Housing

Mathew is a highly experienced and specialist social housing barrister.

Not only is this an area in which he now specialises, but he also worked for a specialist housing law firm prior to becoming a barrister. He cut his teeth with this busy firm, including working on a very busy court duty scheme. He is therefore experienced in any social housing matter:

- Obtaining possession (on any ground),
- Occupation
- Anti-social behaviour (including injunctions and committals),
- Homelessness,
- Sub-letting,
- Assignment,
- Disrepair and housing-related health matters,

- Unlawful eviction and harassment,
- Trespass,
- Discrimination and equality issues and human rights.

His work sees him regularly conducting trials (multi- and fast-track) as well as seeking emergency injunctive relief and committal applications, conducting case management hearings and interim hearings. He is available to draft statements of case and advise on any housing matter whatsoever. Mathew appreciates that in this area of law, more than most, quickly turning around paperwork is essential as is direct, practical advice.

Mathew has, over the years, represented the broad spectrum of housing clients: from large local authorities and housing associations through to tenants and other occupiers. This breadth provides a unique perspective and allows Mathew to cut immediately to the real issue in the case.

He prides himself in offering effective, practical and direct advice.

Reported Cases

- *R (on the Application of Osman) v the London Borough of Harrow* [2017] EWHC 274 (Admin). Mathew successfully represented the Defendant local authority in opposing this judicial review of its housing allocations scheme. The case concerned Article 14 of the European Convention on Human Rights and a challenge against the authority's decision to treat more favourably its current overcrowded tenants seeking larger accommodation than those seeking accommodation living in the private rented sector. The High Court confirmed that it was justifiable to treat the two groups differently. Judgment can be found [here](#).
- *Anwar v Waltham Forest LBC* [2018] EWHC 294 (Admin). Mathew successfully represented the Respondent authority in this High Court appeal against a decision of the Valuation Tribunal, finding that the Appellant was liable for council tax. The Appellant argued that the authority had changed locks on the Appellant's property, which was let out by the Appellant to a number of tenants with a HMO in place, and so she ought not be responsible for the council tax as she herself could not access the property. The High Court rejected this and the appeal was dismissed.
- *Francia Properties Limited v St James House Freehold Limited* [2018] UKUT 79 (LC). Mathew represented the company formed by the leaseholders to purchase the freehold, both at first instance and on this appeal (where the Upper Tribunal heard the matter afresh). The dispute concerned the chances of a purchaser obtaining, and the value arising therefrom, planning permission in respect of the top of the block in question, along with what (if anything) could then be built. The freeholder argued for a total premium in excess of £2m. The case concerned the "reasonably prudent purchaser" and what that person would have paid for the premium as at the Determination Date, considering planning permission may have been a prospect but not a guarantee. The Appellant freeholder has sought permission to appeal the Upper Tribunal's decision.

Publications

- "[Home help?](#)" (the Homelessness Reduction Act 2017), Adviser, March 2018.

- “Guaranteed Chaos: When is a tenancy deposit not a tenancy deposit? Commentary on Johnson v. Old” 163 NLJ 14
- “Dispelling the section 21 myths” 164 NLJ 7597 15
- “In to the unknown” (section 11 disrepair) 165 NLJ 7645 11
- Mathew has recorded a number of podcasts on matters of housing law with the established online CPD-provider CPD-cast on issues concerning tenancy deposit protection and the Anti-social Behaviour, Crime and Policing Act 2014.
- Mathew created 42 Bedford Row’s regular Housing Law Bulletin, which he edits and contributes to.

Other Information

Mathew provides bespoke CPD-accredited training seminars in all matters of concern to landlords and tenants, either in the residential or commercial sector. These seminars can be held in chambers or at solicitors’ offices. If you are interested in discussing what is available, please contact chambers.