

Mathew McDermott

Call 2008

Telephone [020 7831 0222](tel:02078310222)

Email clerks@42br.com



Mathew is a through-and-through landlord and tenant specialist.

In simple terms, 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.

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”

Housing Law

Mathew is a highly experienced and specialist housing and public law barrister with over 10 years of experience.

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 highly experienced in any housing or associated public law matter: homelessness, allocations, discrimination, sub-letting, possession, judicial review, human rights, nuisance and disrepair and more.

Reported Cases

R (on the Application of YR) v Lambeth LBC [2022] EWHC 2813 (Admin) - Mathew represented the Defendant authority in this 2-day judicial review brought by an applicant seeking housing assistance under Part VII Housing Act 1996. The claim involved, amongst other things, (i) the extent of the duty to carry out an assessment of an applicant’s needs and those of the household under s.189A(2) and (ii) how that assessment and the personal plan informs the suitability of accommodation that is offered, including interim accommodation under s.188(1) Housing Act 1996.

Allen v Ealing LBC [2021] EWHC 948 (Admin) - Mathew was instructed on this High Court appeal on behalf of the local authority in respect of a private prosecution alleging the presence of a statutory nuisance in a residential dwelling. The appeal concerned the means by which certain statutory notices can be served upon corporate entities in accordance with the

Environmental Protection Act 1990.

R. (on the application of Tiemo) v Lambeth LBC [2020] EWHC 1193 (Admin) - Mathew was instructed for the respondent authority in this judicial review challenging the suitability of accommodation provided pursuant to s.188 Housing Act 1996.

R (on the application of Laryea) v. Ealing LBC [2019] EWHC 3598 (Admin) - Mathew successfully represented the applicant in these judicial review proceedings wherein it was found that the authority had not properly considered all relevant factors when refusing to exercise a power to provide housing pending a review under s.202 Housing Act 1996. The case was one of the first reported cases to deal with issues relating to the 'relief duty' that had been recently introduced as s.189B Housing Act 1996.

R (on the application of Osman) v Harrow LBC [2017] EWHC 274 (Admin) - Mathew successfully resisted the claim for judicial review relating to an amendment to a local housing authority's allocation scheme that was said to be unlawful and in breach of Article 14 ECHR. Mathew succeeded in arguing that the change to the scheme, which saw a reduction in the priority given to those in overcrowded private accommodation in comparison to secure tenants in similar conditions, was a proportionate and justified amendment implemented to reflect pressures facing the Borough.

Recent advisory work includes advising a large City Council on their likely housing duties towards Afghan refugees resettled in the U.K who fled Afghanistan prior to the Taliban retaking control.

Publications

Home Help?

[Kazi v. Bradford MDC \[2023\] UKUT 128 \(LC\), Appeals against the imposition of financial penalties under s.249A Housing Act 2004.](#)

Adviser - Comments on the prevention and reduction of homelessness through the Homelessness Reduction Act 2017 and amendments to the Housing Act 1996. Explains the local authority's duties under the new legislation including when the prevention duty ends and what happens if an applicant refuses to co-operate.

Direct Access

Mathew is authorised to accept instructions direct from members of the public. He encourages clients who are considering this route to contact Chambers and discuss their problem.

In suitable cases, Mathew can provide client conferences, written advices and representation at court. Mathew accepts direct access work in in all areas relating to landlord and tenant disputes, residential or commercial.