

Mathew McDermott

Call 2008

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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”

Landlord & Tenant

Mathew’s specialist practice focuses exclusively on all matters relating to and concerning landlords and tenants, whether the setting is residential or commercial.

His commercial work includes renewals and terminations under the Landlord and Tenant Act 1954, dilapidations and repairs, forfeiture, relief, breach of covenants, break clause and service charge disputes.

His residential work is equally broad with a particular focus on licensing and regulation -- HMO licenses, appeals, and rent repayment orders – as well as Right to Manage matters and the broad spectrum of leasehold work at the First-tier Tribunal (Property Chamber) and Upper Tribunal, including extensions, lease variations, enfranchisement and service charge disputes.

His clients range from local authorities to large and small businesses and property developers through to individuals.

Reported Cases

Kowalek v Hassanein Ltd [2022] EWCA Civ 1041 - Mathew, leading Robert Winspear, successfully represented the respondent landlord in one of the first cases concerning rent repayment orders for breach of licensing offences relating to residential accommodation to reach the Court of Appeal.

Mathew represented the landlord at first instance, on appeal to the Upper Tribunal and on this second appeal to the Court of Appeal where the Court dismissed the tenants' appeal because:

- The maximum amount of a rent repayment order cannot include rent which was paid (rather than accrued) at a time when the licensing offence was not being committed
- The tenant's rent arrears may be taken into account, when determining the amount of a Rent Repayment Order

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.

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.

Publications

Calculating the amount of Rent Repayment Orders

Landlord and Tenant Review - you can read the full article [here](#).

Into the Unknown

New Law Journal - read the full article [here](#).

Re-Thinking Your Section 21 Notes

CPDcast - In this podcast I discuss the Court of Appeal case of *Spencer v. Taylor* [2013] EWCA Civ 1600, establishing that the requirements of section 21 notices under the Housing Act 1988 are not as onerous as most had believed. Listen [here](#).

What is a tenancy deposit?

CPSCast - A discussion of the development of tenancy deposit litigation, with a particular emphasis on *Johnson v. Old* [2013] EWCA Civ 415. Listen [here](#).

Guaranteed Chaos - Tenancy Deposit Disputes

New Law Journal - read full article [here](#).

Dispelling the Section 21 Myths

New Law Journal - read the full article [here](#).

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.