

Niamh O'Brien

Call 1998

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Introduction

Niamh specialises in social housing law, property disputes and personal injury. She is accredited for the purposes of Direct Access, and is willing to accept direct instructions from members of the public in appropriate cases.

Housing

Homelessness, Judicial Review anti-social behaviour, right to buy, shared ownership and housing fraud.

- *HB v London Borough of Haringey* (2015) Legal Action: Represented the local authority in its first contested homelessness appeal relating to an assessment of vulnerability following the Supreme Court decision in *Hotak*,
- *Circle 33 Housing Trust v Nelson* [2014] EWCA Civ 106: Successfully represented the Claimant landlord at the subsequent trial.
- (2012): Successfully represented a large Housing Association in an action for possession defended on human rights grounds which was preventing the commencement of a multi-million pound redevelopment programme.
- (2011): Advised a nationwide Housing Association on recovery of possession of 100+ properties leased from the private sector and let to persons housed as homeless by Local Housing Authorities.
- (2007): *London Borough of Lambeth v Hamm* Legal Action – Conditions which can be legitimately imposed by the court when reviving a secure tenancy.

Seminars

- Right to Buy: Preventing Fraud (2017)
- Tenancy Deposits and Possession Proceedings (2017)
- Introduction to the Environmental Protection Act for Landlords (2016)

- Expert Evidence in EPA proceedings (2015)
- Homelessness: Out of area Placements and Referrals (2013)
- Localism Act and Security of Tenure (2013)

Property

Commercial and private landlord and tenant, leasehold disputes including enfranchisement and service charges, family trusts and co-ownership, boundary disputes, nuisance, disrepair, insurance claims including tree root damage, easements, freehold and leasehold covenants.

Personal Injury

All aspects of personal injury work including traumatic brain injuries, employers' liability, industrial disease including HAVS, deafness and asthma claims, fatal accidents, liability of public authorities, motor claims and occupiers' liability.

- (2017) – Represented a claimant who sustained a significant brain injury as a result of a road traffic accident.
- (2015) – Represented a claimant who sustained brain injury and consequent personality change following a hit and run accident.
- (2011) – Represented a child claimant seeking damages against a construction company arising out of an accident in which she sustained a fractured skull and consequent brain injury.
- (2010) – Represented a claimant in an action against his former employer for significant injuries caused by a fall at work. Negotiated a settlement worth in excess of £700,000.

Wills, Trust & Probate

Niamh O'Brien has experience in family trusts and co-ownership.

Professional memberships

- Social Housing Law Association
- Personal Injury Bar Association

Publications

- Residential Tenancies (5th Ed) 2009 Wildy Practice Guides — Co-author

Recent Seminars

- Right to Buy: Preventing Fraud (2017)
- Tenancy Deposits and Possession Proceedings (2017)
- Introduction to the Environmental Protection Act for Landlords (2016)
- Expert Evidence in EPA proceedings (2015)
- Homelessness: Out of area Placements and Referrals (2013)
- Localism Act and Security of Tenure (2013)

Education

- University of Sussex: Law and French (LLB)
- Université Libre de Bruxelles
- Inns of Court School of Law – Bar Vocational Course (Graded “Outstanding”)

Other information

- Languages: French and Irish