

Elizabeth England

Called: 2014
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"Elizabeth England is really excellent and is the preferred choice for residential possession work."

"She is a very good advocate, and very down to earth. She has a very good manner with clients and is prepared to fight for them."

The Legal 500 UK 2023 and Chambers and Partners 2023



PROFILE

Elizabeth is a member of the Property Team at Five Paper and a specialist in social housing and landlord & tenant law, recognised in the most recent edition of Chambers UK as a rising star in social housing.

Before joining the Bar in 2014, she qualified as a solicitor in 2008 and as a solicitor-advocate in 2012. In 2018 Elizabeth was listed in the 'Hot 100' feature by News on the Block as an influential landlord & tenant professional and has retained that position since.

Elizabeth has a wealth of experience in property law and in 2005 was part of a government pilot scheme providing housing law advice via webcam to members of the public.

Elizabeth is on the Consulting Editorial Board and a Contributing Author for Lexis Nexis in the area of social housing and residential landlord and tenant law. Elizabeth provides maintained educational resources on homelessness, possession and residential landlord and tenant matters. She is also a regular contributor to the Lexis Q&A facility and committee member for the Social Housing Law Association.

Elizabeth is able to accept instructions directly from members of the public through the Direct Public Access scheme.

EXPERTISE

Social Housing

Elizabeth's practice covers all aspects of housing law, including anti-social behaviour, possession proceedings, right to buy, unlawful eviction and harassment, allocation of social housing, disrepair, housing

management, and injunctions.

She regularly deals with Equality Act and Human Rights arguments and has advised and represented clients in a range of issues such as security of tenure, death and succession; interpretation of lease and tenancy clauses; housing conditions; compliance with policies; and the proportionality of eviction.

Elizabeth regularly acts for local authorities in homelessness appeals and judicial review proceedings concerning housing duties.

Recent cases include;

- **James Churchill v Merthyr Tydfil County Borough Council [2023] EWCA Civ 1416**, the leading case as to whether the court can compel parties to litigation to a non-court based alternative dispute resolution and whether an internal complaints procedure is such a process.
- **Lemari Minott v Cambridge City Council [2021] EWHC 211**, on whether residence in temporary accommodation for more than 6 months constitutes a 'change of circumstances' for the purpose of establishing a local connection in homelessness law.
- **Declan Molloy v BPHA Limited [2021] EWCA Civ 1035**, acted for BPHA at first instance, in a case whereby the defendant in an ASB case objected to use of a CCTV camera by his neighbour to gather evidence. The Court of Appeal upheld the decision at first instance that the use of CCTV was lawful.
- **Nikolaeva v London Borough of Redbridge [2020] EWCA Civ 1586**, successfully acting as junior counsel, led by Michael Mullin, for LB Redbridge in a s.204 Housing Act 1996 appeal upholding the decision that Ms N had unreasonably refused an offer of accommodation by the LB Redbridge, who had accordingly considered that the main housing duty had come to an end.
- Acting for a social landlord in a claim for possession and unlawful profits order following the unlawful subletting of a flat. An immediate possession order was made, together with an order that the tenant pay £27,000 in unlawful profits to the landlord.
- Acting for a social landlord in a claim for possession against a hoarder who raised an Equality Act and Human Rights defence to argue that he should be allowed to live in a four bedroom house of which only a couple of downstairs rooms could be utilised, and the garden should be allowed to contain several mobile home units and unused white goods for visitors. An immediate order for possession was made.
- Acting in a Closure Order case where the tenant allowed his property to be used for all-night parties while he worked a night shift. A Closure Order was made, subsequently extended, and ultimately an order for possession was obtained.
- Acting for a landlord in a disrepair claim where the tenant could not establish notice of disrepair. The claim was dismissed.

Landlord and Tenant

Elizabeth regularly advises on and represents landlords and tenants alike in the renewal of tenancies, rent review, service charge disputes, disrepair and leasehold enfranchisement for residential leasehold property.

Recent cases include

- Acting for a tenant in a valuation for leasehold extension, including the cross examination of expert witnesses and legal argument on the correct calculations to utilise.
- Acting for a commercial landlord in a service charge dispute against five leaseholders in conjoined proceedings with various cross-applications. The landlord achieved a money judgment using the county court pilot scheme in the tribunal for the full sum which they had sought.
- Represented the landlord in the leading case in which the Upper Tribunal gave guidance on when the tribunal should award unreasonable costs in **Willow Court Management Co v Alexander; Sinclair v 231 Sussex Gardens Right to Manage Ltd; Stone v 54 Hogarth Rd, London SW5 Management**

Real Property

Elizabeth regularly acts in property litigation involving easements, rights of way, the beneficial ownership of property, trusts of land, proprietary estoppel, adverse possession and boundary disputes.

Recent cases include;

- A claim for a declaration as to beneficial ownership of property to be sold where there were no written or agreed understandings between three property owners who bought a residential property for the use of their wider community.
- In a claim for possession where a husband had sold a long lease to his wife but had retained the freehold title to property in order to avoid a criminal confiscation order but who later claimed a beneficial interest of the whole.
- A claim for a declaration as to the existence of three rights of way to residential property comprising an old quarry in Cornwall which had been sold and utilised as residential property, acting for the dominant landowner, who established all three rights of way based on three different causes of action.

FURTHER INFO

Directory quotes



"Liz has an excellent, no-nonsense attitude and comes across as determined to get the right result, which is highly appreciated by clients."

Chambers and Partners 2023

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Chambers and Partners 2023

"Elizabeth is practical and knowledgeable."

Chambers and Partners 2023

A housing specialist who acts for a range of clients in possession proceedings, unlawful eviction cases and harassment and anti-social behaviour matters, among other cases. She regularly handles cases concerning human rights issues and the Equality Act.

Strengths: "She's got a good knowledge of housing cases, knows how the process works and is a safe pair of hands." "She is very fierce and firm and always very good on her feet. She fights for justice and is dedicated and approachable."

Chambers and Partners 2021

"She is a very good advocate, and very down to earth. She has a very good manner with clients and is prepared to fight for them."

The Legal 500 UK 2023

Education and Qualifications

- BA(Hons) History, University of Bristol, 2003
- LLDip & LPC, College of Law Chester, 2004 & 2005
- Winner of the College of Law Mooting Competition, 2004
- Winner of the College of Law Advocacy Prize, 2005
- Added to the Rolls as a Solicitor, 2008
- Solicitor Advocate, 2012
- Call to the Bar, Middle Temple, 2014

Publications

- <https://www.localgovernmentlawyer.co.uk/housing-law/315-housing-features/45567-refusing-an-offer-of-accommodation>
- <https://localgovernmentlawyer.co.uk/housing-law/315-housing-features/43240-covid-19-and-housing-law>
- <https://www.localgovernmentlawyer.co.uk/litigation-and-enforcement/311-litigation-features/43207-covid-19-and-social-landlords>
- <https://www.localgovernmentlawyer.co.uk/housing-law/315-housing-features/41923-housing-disrepair-a-dr-and-letters-of-claim>
- <https://www.localgovernmentlawyer.co.uk/housing-law/315-housing-features/41772-private-landlords-electrical-safety-standard-and-implied-terms>
- <https://www.localgovernmentlawyer.co.uk/litigation-and-enforcement/311-litigation-features/39173-practice-note-on-committal-proceedings>
- <https://www.localgovernmentlawyer.co.uk/lexisnexis/556-lexis-lg/lexis/localgov/housing/38356-assisting-the-homeless>
- <https://www.localgovernmentlawyer.co.uk/litigation-and-enforcement/311-litigation-features/37707-proving-an-error-of-law>
- <https://www.localgovernmentlawyer.co.uk/housing-law/315-housing-features/32514-the-senior-master-on-warrants-for-possession>

Professional Memberships

- Social Housing Law Association committee member
- Property Bar Association
- Housing Law Practitioners Association

Direct Access

Elizabeth is able to accept instructions directly from members of the public through the Direct Public Access scheme.