

Sean Pettit

Called: 1997
seanpettit@fivepaper.com



PROFILE

Sean is an established property law barrister with over 20 years of experience in all areas of the law pertaining to Real Property and Landlord and Tenant law and has represented clients at every level of tribunal including numerous landmark cases in the Court of Appeal.

Prior to his recent return to the Bar, Sean spent 2 years as a consultant at a firm solicitors specialising in Property and Telecommunications law, advising on Real Property and Landlord & Tenant matters, including leases, licences, wayleaves and property-related issues arising in the context of the Electronic Communications Codes.

Sean has particular experience in leaseholds and tenancies: disrepair and dilapidations, unlawful eviction, residential landlord and tenant, commercial landlord and tenant, business tenancies, mobile homes, easements, trusts of land and estoppel.

In the context of Local Government Housing, Sean has considerable experience in Statutory Appeals, Judicial Review and cases involving Public Law, Human Rights and EC Law issues.

For a number of years, Sean taught Land law and Trusts at the London School of Economics.

EXPERTISE

Local Government and Housing

Sean has a wealth of experience in the Public Law realm of social housing, representing both Applicants and Respondents in Judicial Review, Statutory Appeals and in the Court of Appeal. This experience means that

Sean can provide solid, practical advice in how to best deal with these cases, taking into account the wider context in which they arise and the latest developments in law and practice.

Reported cases:

- ***Panayiotou v London Borough of Waltham Forest, Smith v London Borough of Haringey (2017 CA)***
Homelessness appeal on the meaning of 'significantly' post Hotak; and the contracting out of part VII decision-making.
- ***Falastin Amin v London Borough of Brent (7/7/2011) LAG***
Homelessness Appeal turning on the definition of 'worker' within the meaning of Article 39 of the Treaty of Rome.
- ***Leon Denton v Southwark London Borough Council [2007] EWCA Civ 623 (CA)***
Homelessness. Whether it was reasonable for a homeless person to continue to occupy accommodation the family home.
- ***R (Bashir Bantamagbari) v London Borough of Westminster [2003] EWHC] 1350 (Admin)***
Homelessness. A council had acted unlawfully in refusing to accept a reference from another council, under s.198 Housing Act 1996, to house a homeless person as that person was correctly found to be unintentionally homeless.
- ***R (B) v London Borough of Southwark (No2) (Admin 22/10/2003) LAG***
Local Government, Human Rights. The Local Authority agreed to pay £3,000 in respect of damages claimed for misfeasance and/or breach of the Claimant's Human Rights.
- ***R (B) v London Borough of Southwark (The Times 30/7/03)***
Homelessness. A prison cell was not accommodation within the meaning of s.175 Housing Act 1996. Therefore a prisoner eligible for release who had no other accommodation was homeless within the definition in the Act.
- ***London Borough of Lambeth v Delroy Stewart (2002) HLR 747 (CA)***
Homelessness. A term of imprisonment did not break the chain of causation.

Landlord and Tenant

Sean has acted for both landlords and tenants in the full gamut of tenancy-related work – both residential and commercial. Sean's expertise includes all grounds of possession against statutory and contractual tenants, claims arising out of disrepair, dilapidations, protection from eviction, rent reviews, service charges, breach of contract, business tenancies, long leases, Right to Buy, Mobile Homes, housing co-operatives, trespass, Guardian schemes.

Sean has an interest in new technology and is regularly consulted by solicitors specialising in IT and Telecommunications law, in particular advising on property-related issues arising from leases, wayleaves and the Electronic Communications Codes.

Reported cases:

- ***London Borough of Newham v Anwar Ali (27/11/03) LAG***
Possession; Overcrowding.
- ***London Borough of Wandsworth v Victor Bankole (Wandsworth CC 17/3/2003) LAG***
Possession. Joint tenant's Notice to Quit.

Recent work

- Commercial leases: Advising an ALMO in respect of the terms of 19 commercial leases within a residential housing estate.
- **Fully Mutual Housing Co-operative**

Advising a Fully Mutual Housing Co-operative in respect of decanting members in order to carry out repair works to its properties.

Real Property

Sean has considerable experience acting for parties in neighbour disputes, and disputes arising from the Party Wall Act, restrictive covenants, easements, adverse possession, Trusts of Land and estoppel.

Recent work:

- ***Academies Land Act Transfers***
Advising in respect of the transfer of schools under the provisions of the Academies Act 2010.
- ***Promissory Estoppel***
Defending a claim for possession on the grounds of promissory estoppel in a claim brought by a son against his parents.
- ***Mobile Homes Act***
Sean has been instructed in a number of Mobile Homes Disputes.
- ***Restrictive Covenants***
Sean has been instructed in a number of cases involving the effect and removal of Restrictive Covenants.

FURTHER INFO

Education/ Qualifications

- BA (Hons) LSE Anthropology and Law
- Duke of Edinburgh Entrance Award (Inner Temple)
- Law Society Accredited training course provider in Housing Law.
- Former Part-time teacher of Land Law, Equity and Trusts at the London School of Economics.