

## Simon Strelitz

Called: 2000  
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### PROFILE

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Simon is an experienced housing and property practitioner with 18 years' continuous experience in all aspects of the work undertaken across the Property Division. He is also an Accredited Mediator for Commercial and Civil matters.

He joined Five Paper on 1 July 2021 having previously been at a specialist housing and property set between 2002 and 2011. Subsequently, for the last 10 years he has worked as an in-house barrister, initially at Clarke Willmott LLP and, most recently, Capsticks Solicitors LLP where he acted for multiple social landlords on a range of housing and property issues. During his time at these firms he worked on a number of high profile housing cases including *Aster Communities v. Ackerman Livingstone* [2015] UKSC 15.

He has considerable experience of advising social housing clients on a wide range of contentious and non-contentious matters, as well as appearing in courts at all levels from the County Court to the Court of Appeal, and the First Tier Tribunal (Property Chamber) and Upper Tribunal. Simon enjoys training officers working for social housing providers and seek to explain things in a down-to-earth and digestible way. He has spoken at national housing events and delivered bespoke training to providers, often assisting clients to reduce the costs of and exposure to litigation and, wherever possible, keep cases out of court.

Simon also has a passion for delivering training to social housing providers and has done so at national and regional events. During the pandemic, he developed a series of bespoke on-line training courses with detailed materials and templates to assist social housing providers across England and Wales to navigate the changes to possession cases as a result of COVID-19.

### EXPERTISE

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## Social Housing

Simon specialises in all aspects of social housing including disrepair. His work has regularly involved him appearing in possession, injunction and committal (contempt) proceedings involving issues across the spectrum of housing law (including Equality Act 2010 and Human rights issues).

In addition to his work with housing providers in England and Wales, he has gained considerable experience in wider aspects of Housing & Asset Management including advising on and drafting tenancies, and a range of policies and procedures, and training officers and staff on a range of issues including preventing and dealing with judicial review, human rights and Equality Act 2010 challenges.

Simon has an astute eye for the commerciality of a case and knows the importance to social housing clients of making best use of their legal budgets.

Notable cases include:

### ***Biddlecombe v. Vectis Housing Association* [2020] EWHC 770 (QB)**

Simon appeared for the successful Respondent landlord at first instance and on appeal. The primary ground of appeal concerned the extent to which a complete failure by a social landlord to consider the Public Sector Equality Duty was fatal to a claim for possession where the court had sufficient factual material before it to demonstrate that it would have made no difference to the landlord's decision to seek possession.

*Permission to appeal was granted by the High Court in the above case prior to either the High Court or Court of Appeal decisions in Forward v. Aldwyck Housing Group Ltd [2019] EWCA Civ 1334 in which Nicholas Grundy QC and Millie Polimac appeared.*

### ***Bamber v. LiveWest Homes Ltd* [2018] EWHC 2454 (QB)**

Simon appeared for the successful Respondent at first instance and in an appeal concerning the validity of using a s.21 notice giving two months' notice – as opposed to requiring the six months' otherwise required under ss.21(1A) and (1B) – so as to exercise a break-clause in a fixed term tenancy of two or more years and recover possession under the s.21 procedure.

Simon also appeared at first instance in the following cases whilst working as an in-house barrister before instructing Nicholas Grundy QC for the appellate stages:

### ***Teign Housing v. Lane* [2018] EWHC 40 (QB)**

Simon appeared for Teign Housing at first instance in a case where the judge wrongly dismissed a claim for possession on the basis that the breaches relied upon by the landlord did not amount to "relevant breaches" of the tenancy in circumstances where the judge also found that the tenant's mental health issues led him to hold a deluded belief that he had been given permission by the landlord to behave as he did.

### ***Ackerman-Livingstone v. Aster Communities* [2015] UKSC 15**

Simon appeared for Aster at first instance and obtained a possession order after seeking the summary dismissal of a defence under s.15 of the Equality Act 2010: the case considered the extent to which unlawful discrimination defences under the 2010 Act can be determined by county court judges in the same summary way as defences under Article 8. The Court of Appeal answered in the affirmative; the Supreme Court held otherwise but still dismissed the appeal on the facts of the case.

### ***Southend-on-Sea BC v. Armour* [2014] EWCA Civ 231**

Simon appeared for Southend-on-Sea BC at first instance. This case concerned the extent to which the court was entitled to take into account the lack of further complaints of ASB after the issue of possession proceedings when considering the proportionality of making a mandatory possession order against an Introductory Tenant.

## Landlord & Tenant

Simon has 18 years' continuous experience of acting for landlords and tenants across all areas of residential

Landlord and Tenant law, with an emphasis on social housing.

He has worked predominantly for Housing Associations, local authorities, other social housing providers, as well as private landlords with multiple properties in England and/or Wales.

He has experience in leasehold management and service charge disputes and has appeared in the FTT (Property Chamber) in a number of service charge disputes and applications for dispensation from consultation requirements. He has also assisted clients in a number of service charge mediations (both those arranged through the FTT(PC) mediation scheme and arranged privately).

As well as advising and appearing for registered providers on leasehold interpretation, consultation and service charge disputes, he has undertaken cutting-edge advisory work on tenancies, policies and procedures. Always with an eye for reducing challenges and legal expenditure, he has worked closely with a number of housing providers to develop procedures aimed at increasing transparency in the presentation of service charge accounts and materials so as to 'stave off' challenges in the FTT (PC).

## **Homelessness and Allocations, and Public Law**

Simon has undertaken work across all aspects of Parts 6 and 7 of the Housing Act 1996 for tenants and local authorities both in England and in Wales.

He has considerable experience of public law issues in private law claims as well as litigation involving discrimination, public sector equality arguments and reasonable adjustments.

He previously taught courses for BPP which focussed on judicial review in housing and planning areas targeted to trainee and junior solicitors, in-house lawyers and other legal professionals).

Notable cases include:

### ***De-Winter Heald v. Brent LBC* [2009] EWCA Civ 930; [2010] 1 WLR 990**

Appeared as Junior Counsel (led by David Carter) for the lead Appellant, De Winter- Heald in three conjoined appeals seeking to challenge to the legality of the contracting out of review decisions under s.202 of the Housing Act 1996 of homelessness decision making and considering the appearance of bias on the part of the decision-maker.

## **Real Property and Planning**

Simon's work in this area has continued to involve advising and representing clients in boundary and party wall disputes, and in matters involving restrictive covenants and easements. He has been involved in advising on issues of land compensation and compulsory purchase – including businesses facing compulsory purchase orders as part of the redevelopment of Stratford in preparation for the London 2012 Olympics. His work in this area has often built on his previous planning experience which, itself, has included representing clients in appeals against planning enforcement notices and statutory appeals. He has also previously advised and acted on matters involving property-related inheritance, trusts and vesting order applications.

Notable cases include:

### ***Dibden Bay Public Inquiry (13-month inquiry – instructed between 2001 and 2003)***

Appeared for the Ministry of Defence (instructed by the Treasury Solicitor) as Junior Counsel in the 13-month long Public Inquiry into applications by Associated British Ports for orders, planning permissions and an Exchange Land Certificate (under the Harbours Act 1964, Transport and Works Act 1992, Town and Country Planning Act 1990 and Acquisition of Land Act 1981) in respect of proposals for a deep-water container port facility in Dibden Bay, Hampshire.

### ***London Gateway (Shell Haven) Public Inquiry (7-month inquiry – instructed between 2003 and 2004)***

Appeared for the Highways Agency (instructed by the Treasury Solicitor) on the 7- month long Public Inquiry

into applications by P&O for orders and planning permissions (under the Harbours Act 1964, Transport and Works Act 1992 and Town and Country Planning Act 1990) in respect of proposals for the development of the UK's largest container port and major Logistics and Commercial Centre in Thurrock, Essex.

## FURTHER INFO

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### **Education and Qualification**

LLB (Hons), University of Kent at Canterbury, 1999

Called to the Bar of England and Wales, Inner Temple, 2000

Accredited Mediator (Commercial and Civil), London School of Mediation 2014

### **Publications**

Contributor to Local Government Constitutional and Administrative Law (Second Edition), Andrew Arden QC et al, Sweet & Maxwell (2008)

### **Professional Memberships**

SHLA – pending

PBA – pending