

## Stephen Evans

Property Team Leader  
Called: 1992  
stephenevans@fivepaper.com

"Extremely clever and forceful in court." Chambers & Partners 2023



### PROFILE

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Stephen specialises in Property Law, and is ranked as a Leading Junior in Social Housing for Chambers and Partners and Legal 500.

Stephen is Chambers' Practice Team Leader for the Property Division. He was appointed as a part-time judge of the First Tier Tribunal, Property Chamber in January 2019.

Stephen is expert in all manner of real property and landlord and tenant disputes whether; residential, commercial, public or private.

He has particular specialism in discrimination claims in landlord and tenant law, which started with his appearance in *Lewisham BC v Malcolm* at first instance, Court of Appeal and House of Lords.

As regards leasehold work, Stephen is expert in all manner of FTT applications, whether enfranchisement, rents, service charges, financial penalties, rent repayment orders, breach of lease, lease renewals; indeed any of the 147 or so jurisdictions in the Property Chamber (Residential Property).

He is also well-known for acting in complex dilapidations litigation.

In Administrative and Public Law cases, Stephen acts predominantly for local authorities in challenges under Parts VI and VII of the Housing Act 1996. He is also frequently instructed where complex public law defences are raised within possession proceedings.

### EXPERTISE

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## Property Litigation

### Recent work includes

- Advising a large social housing provider in relation to a test claim alleging breach of s.1 of the Defective Premises Act 1972, breach of covenant, and nuisance, regarding latent heating installation defects suffered by a leaseholder a large housing development.
- Obtaining dispensation in relation to s.20 consultation in the FTT for the landlord against 201 leaseholders in a development which required fire alarm systems to replace waking watches. The FTT found Stephen's arguments "compelling": see LON/00AJ/LDC/2020/0032.
- Advising on alleged professional negligence in the drafting of a shared ownership lease.
- Representing an owner-occupier at the mediation of a complex rights of way dispute in Cornwall.
- Advising a Council on an owner's application for compensation to the Upper Tribunal following a Compulsory Purchase Order.
- Drafting 40 defences, and attending mediation to settle a claim for disrepair by tenants/lessees in 4 tower blocks against their landlord.

### Reported cases

*IAM Group Plc v Chowdrey* [2012] EWCA Civ 505

Adverse possession

An "extremely well presented" and "skilfully advanced" appeal by Stephen. The issue before the Court was whether the adverse possessor reasonably believed the land belonged to him so as to satisfy the 'third condition' in Schedule 6 of the Land Registration Act 2002.

*Church Commissioners for England v. Meya* [2007] HLR 4, CA

Residential landlord and tenant

The case concerned the validity of a s.21 Notice under the Housing Act 1988. Ward LJ noted Stephen's "powerful argument" for symmetry between the common law and statute.

## Social Housing

### Recent work

- Representing a local authority in claim by a rough sleeper who alleged they had been granted a tenancy agreement and not a licence, when sent in error to self-contained accommodation during the "Everyone In" programme necessitated by the Coronavirus lockdown.
- Representing a social housing provider in an injunction claim against a leaseholder who was keeping combustible materials on their balcony in a building clad with HPL.
- Advising a local authority on a social housing fraud claim in relation to right to buy premises.
- Representing a local authority in its possession claim against the occupier of an almshouse who raises a defence of breach of constitution.

### Reported cases

*Ciftci v LB Haringey* [2021] EWCA Civ 1772

Part VII Housing Act 1996; Intentional homelessness

Stephen successfully resisted an appeal brought by an appellant found to be intentionally homeless but who alleged ignorance of a relevant fact when acting in good faith. The Court of Appeal agreed with Stephen that there must be a trigger for further inquiries in circumstances where appellant alleged an active belief that their prospects of employment might be linked to future housing.

*R (M) v Newham LBC* [2020] EWHC 327 (Admin)  
Part VII Housing Act 1996; Suitability of accommodation  
Stephen represented the Council in this Part VII Housing Act 1996 judicial review concerning suitability of accommodation /mandatory relief.

*The Queen (on the application of B) v London Borough of Redbridge* [2019] EWHC 250 (Admin)  
Part VII Housing Act 1996; Suitability of accommodation  
Successful defence of a judicial review claim, the Court finding that an applicant has the right to only 1 review of suitability of accommodation.

*Mohamoud v RBKC; Bushra Saleem v LB Wandsworth* [2015] EWCA Civ 780  
Part VII Housing Act 1996; Children Act 2004  
Stephen successfully defended an appeal brought by a tenant of temporary housing, who sought to invoke the best interests of her children as a paramount consideration as a defence to a lawful notice to quit served following a finding of intentional homelessness.

*Tompkins v LB Wandsworth* [2015] EWCA Civ 846  
Introductory tenancies  
Stephen successfully defended an appeal brought by a tenant of temporary housing, who argued in the Court of Appeal that she had been granted an introductory tenancy in circumstances where she signed the wrong tenancy form.

*R (B) v LB Camden* (6.5.15), Nugee J  
Part VI Housing Act 1996/Discrimination  
Stephen successfully acted for the local authority on a judicial review claim of a decision that an applicant did not qualify for 1 bedroom accommodation, in circumstances where the applicant alleged that his use of a mobility scooter gave him a permanent need for medical equipment for use at home.

*Lane v RB Kensington & Chelsea* [2013] All ER (D) 233 (Apr), QBD  
Equality Act/Article 8 ECHR  
Stephen acted for the Council in a High Court appeal against the refusal of an injunction sought by an applicant with severe OCD.

*London Borough of Lewisham v Malcolm* [2008] AC 1399, HL  
Housing/Disability Discrimination  
Stephen was instructed as junior Counsel for the successful local authority in this important House of Lords decision, which concerned the challenge by a disabled tenant to his landlord's unqualified right to possession on the grounds of disability. The decision has had far-reaching implications, impacting on the fields of employment, education, and goods/services law.

*R (Bibi) v. Camden LBC* [2005] HLR 1  
Part VI Housing Act 1996  
Stephen successfully challenged the decision of the local authority not to provide 3 bedroomed accommodation in circumstances where a joint residence order had been made.

## **Discrimination claims**

### **Recent work**

- Representing a co-operative in possession proceedings defended on grounds including disability discrimination under s.15 of the Equality Act 2020.
- Advising a social housing provider in relation to potential age discrimination in housing adverts.

### **Reported cases**

*R (B) v LB Camden* (6.5.15), Nugee J  
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## Administrative and Public Law

Judicial review of local government decisions, including in relation to council tax.

### Recent work

- Advising a London Council on a local lettings policy affecting occupants of temporary accommodation in a proposed large redevelopment scheme.
- Drafting grounds of appeal against a county court judgment that the local authority had erred in finding within its review decision that a disabled applicant was intentionally homeless on the grounds of non-payment of rent.

### Reported cases

*Ciftci v LB Haringey* [2021] EWCA Civ 1772

Part VII Housing Act 1996; Intentional homelessness

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## FURTHER INFO

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### Directory Quotes



*“Extremely clever and forceful in court.”*  
**Chambers and Partners 2023**

*“He is precise, methodical and determined.” “We always receive excellent advice, paperwork and support.”*  
**Chambers & Partners 2021**

*“He always gives excellent advice on tricky housing matters and gets straight to the issues.” “He is incredibly approachable and hell bent on getting the best results. He will fight fiercely for the client.”*  
**Chambers & Partners 2020**

*“An excellent and persuasive advocate whose preparation is incredibly thorough. He can be relied upon to provide practical and commercial advice, and also to fight the client’s case as robustly as possible when required.”*  
**Chambers & Partners 2019**

*“He has a fantastic legal brain. He will often find discrete points or angles in a case that may have passed others by.” “His advocacy is excellent and he’s particularly formidable in disrepair claims.”*  
**Chambers & Partners 2018**

*“Sound practical advice which comes with a thorough knowledge of the law.” His knowledge of court procedures is second to none.”*  
**Chambers & Partners 2017**

*“He brings common sense to knotty problems.” “He can make the most complicated case seem like a first instance possession hearing.”*  
**Chambers & Partners 2016**

*“He has notable expertise in the disability discrimination/equality aspects of housing, dilapidations claims and leasehold service charge disputes, among other matters.”*  
**The Legal 500 UK 2021**

*“Known for advising local authority and registered provider landlords on housing matters, including dilapidations claims and cases involving disability discrimination/Equality Act issues.”*  
**The Legal 500 UK 2020**

*“A clear and knowledgeable advocate with expertise in possession claims.”*  
**The Legal 500 UK 2019**

*“An excellent advocate, who is very knowledgeable on the law.”*  
**The Legal 500 UK 2017**

*“His robust approach creates successful results.”*  
**The Legal 500 UK 2016**

## **Qualifications**

Christ's College, Cambridge – MA (Law);  
Middle Temple.

## **Articles and Publications**

Articles on the Equality Act entitled “Complete renovation or papering over the cracks?”

“The turning of the tide?” (Property Law Journal).

Co-author of legal chapter to RICS book ‘Diagnosing Damp’.

Contributor to 2010 College of Law DVD on overage claims.

## **Professional memberships**

Stephen is a member of SHLA