

Victoria Osler

Called: 2001
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‘Victoria is an outstanding trial advocate who is exceptionally well regarded within her field as meticulously prepared, dogged in cross-examination and analytical in submissions.’ The Legal 500 UK 2023



PROFILE

Victoria is a member of the Property Team of Five Paper and ranked as a leading junior in Social Housing for Chambers & Partners and Legal 500.

Victoria specialises in all aspects of real property and landlord and tenant law, both in the residential and commercial contexts. Victoria's real property practice encompasses lease interpretation, adverse possession, restrictive covenants, right to light disputes, easements, boundaries, party walls, nuisance, and trespass.

In residential matters Victoria has expertise in cases concerning trust of land, including, but not limited, to TOLATA claims, and mortgage work. In the commercial context Victoria has dealt successfully with numerous business tenancy and lease renewal cases, business lease interpretation and dilapidation issues.

In the area of leasehold and leasehold management work, Victoria regularly advises and acts in matters concerning the interpretation of long leases, lease extension, service charge disputes, forfeiture, and break clauses.

Victoria's broad practice also encompasses work for the public sector. She has lengthy and detailed experience of dealing with a range of matters arising under the housing acts, including the right to buy, stock transfers, fire safety regulations, possession claims, Equality Act issues, Human Rights arguments, death and succession claims, assignment, unlawful evictions, anti-social behaviour proceedings, closure orders and other remedies for the abatement of anti-social conduct. Victoria has also dealt with a number of claims involving tenancy deposit issues.

Victoria has a keen interest in public law. She regularly acts for local authorities with regard to homelessness appeals, including matters relating to the prevention of homelessness. Victoria also deals with challenges to local authority allocation policies, including judicial reviews of the authorities policies and procedures. Victoria has a particular interest in issues concerning capacity and the engagement of the homelessness provisions under Pt.7, Housing Act 1996.

Property litigation

Victoria's property work includes matters such as: mortgage possession proceedings; disputes as to the beneficial ownership of properties (arising out of disputes between the joint owners themselves or in the context of claims by mortgagees); trusts of land; proprietary estoppel; claims arising out of contracts for sale of land; boundary disputes; claims for adverse possession. Victoria has represented clients in the LVT on service charge and leasehold enfranchisement issues.

Recent advocacy

- **London & Quadrant -v- Geary Court – claim no: LON/00AK/LVT/2018/0017** – application under s.35, Landlord and Tenant Act 1987, to vary the service charge provisions in 47 leases
- **Hoque & Hughes v Wandle Housing Association – claim no LON/00AY/LSC/2019/0051** – multi-party challenge to reasonableness of service charges
- **Storer v Notting Hill Genesis – LON/00AY/LSC/2019/0051** challenge to liability to pay service charges and the reasonableness of those charges
- **Ifshaq v Akhtar & Bank of Scotland 2015/0491 (hearing 2018)** – case before the land registrar concerning an application to rectify the register with regard to the identity of a freeholder of residential land.
- **Walkowicz v Southern Housing Group Ltd Claim D02CL515 (2018)** – high value dilapidations claim relating to repairing obligations in a shared ownership lease
- **Robertson v Metropolitan Housing Trust CHI/43UD/LSC/2018/0095** – whether the landlord is obliged to charge the tenant for actual individual consumption of utilities or whether it is able to calculate service charges according to the size of the flat occupied by the tenant
- **Phipps v Hancock REF/2014/0426** – case before the land registrar concerning a family dispute as to whether a sister had taken adverse possession of the farm cottage previously occupied by her mother, and on which farm her brothers were workers
- **JC Decaux Limited & Ors v Hannam REF/2013/0175** – represented applicant in a claim for adverse possession of land on which advertising billboards had been situated for decades
- **Harrogate v Cartledge, 7HG04050, High Court, 10th June 2008**, which addressed whether an authority were estopped from denying the Defendant a right to succession of her late mother's home,
- **Senpalit v Demirkiran, B5/2008/1751**, regarding the renewal of a business tenancy,
- **Andre v Robinson, 2007/0772**, Court of Appeal, 14th December 2007 concerning the surrender and re-grant of a protected tenancy. In relation to LVT work Victoria's recent cases include
- **Unicourt Ltd v Bernhard Baron RTM Company, LON/OOBG/LRM/2007/0005, Lands Tribunal** – right to manage dispute
- **Leaseholders of Spa Green Estate v London Borough of Islington LON/00AU/LSC/2006/0269** – multi-handed challenge to the reasonableness of service charges
- **Leaseholders of Ingestre Road v London Borough of Camden, LON/00AGL/LSC/2007/0266**, – multi-handed challenge to reasonableness of service charges
- **Lascelles v Village Estate Management Co Ltd & Oriel Drive Management (c) Co Ltd, LON/00BD/LKSC/2008/0141** – challenge to reasonableness of service charges, involving issues of historic neglect

Recent advisory work

- Drafted multiple agreements on behalf of social landlord for the decant of tenants to permit works to be

done at a block of flats

- Advised on a large social housing landlord's ability to collect from a long leaseholders service charges concerning a waking watch scheme
- Advised and acted in a boundary dispute: ongoing case concerning an alleged trespass to local authority land.
- Acted for a landlord in an appeal against an improvement notice served by a local authority on a private leaseholder landlord
- Party Wall advisory work – A party wall had been demolished by the Defendant developers with the Claimant's consent. The developers had, however, in that demolition significantly damaged the Claimant's property. A party wall award was made which the Claimant wished to challenge. Advised on the merits of that challenge.
- Advised a commercial client on policy and best practice in relation to compliance with the Right to Rent (R2R) legislation.
- A dispute regarding a property sale under which the Defendant believed itself to have sold three flats in a block of four, but the Claimant contending that it had purchased all four flats. The case turned on whether or not there has been a mistake of fact and/or misrepresentation in the sale contract and/or negotiations for sale.

Social Housing

Victoria's practice covers all aspects of housing law, from first instance possession actions, through anti-social behaviour, unlawful eviction, to homelessness and allocations. Victoria has advised and represented clients on housing matters as diverse as housing management, debt relief orders, allocation schemes; leases and tenancy agreements; rents and service charges; security of tenure; possession proceedings; right to buy; housing conditions and disrepair; unlawful eviction; housing benefit. She has both brought and defended possession claims on the basis of arguments arising from Art.8, European Convention, and the proportionality of eviction; she has also brought and defended numerous public law challenges, including cases based on failure to follow allocation policies, anti-social behaviour policies and failure to comply with homelessness duties. Victoria has also brought and defended disrepair claims.

Recent advocacy

- ***Waltham Forest LBC v Saleh* [2019] EWCA Civ 1944.** Victoria Osler, led by Nick Grundy QC, acted on behalf of the LB Waltham Forest on its appeal to overturn the decision of HHJ Saggerson, that on a review of the suitability of accommodation provided in discharge of a homelessness duty a local housing authority must consider what other accommodation it has available to allocate to the applicant that is within or closer to its borough than the accommodation challenged by the applicant as unsuitable. The Court of Appeal upheld the 1st Instance decision.
- ***Evans v London Borough of Brent* [2012] EWHC 4443 (QB)** – an appeal to the High Court concerning whether the Appellant had succeeded to her late father's tenancy notwithstanding her having an assured shorthold tenancy at the date of his death
- ***Sharples v Places For People Homes Ltd*: [2011] EWCA Civ 813, LTL 15/7/2011: (2011) HLR 45,** acted for the social landlord in an appeal against a possession order based on rent arrears also comprised within a debt relief order
- ***Abdullah v Westminster CC* [2011] EWCA Civ 1171, LTL 19/10/2011** – an appeal regarding whether an applicant for housing assistance under Pt.7, Housing Act 1996, was 'intentionally homeless' if she enjoyed matrimonial home rights at at her last settled occupation which she had voluntarily vacated
- ***James v Birmingham City Council* [2010] EWHC 282 (Admin)** – appeal by way of case stated against the decision of the magistrates court at first instance to vary an Anti-social Behaviour Order to preclude the appellant from associating with his family
- ***Herelle v South London Family Housing Association Ltd*, CC/2009/PTA/0737** – appeal against

compensatory damages awarded in respect of dilapidations in residential premises

Recent advisory work

- Advised social landlord on decant strategy in the context of a sizeable regeneration project which required the possession of a large number of properties let and rented to individuals on a variety of different tenures
- Advised social landlord on a decant strategy on a large estate to permit cladding works to be carried out on a number of blocks of flats. Drafted decant agreements.
- Advised social landlord in relation to the rent and service charges it was permitted to charge with respect to affordable tenants
- Advised social landlord with regard to preserved right to buy of a successor to an assured tenancy, previously within the secure tenancy regime
- Advised social landlord in relation to the son of a deceased tenant who had inherited his mother's tenancy while in occupation of the property, and his potential status as an assured tenant of that property
- Advised social landlord with regard to the use of mandatory grounds for possession where the tenant is vulnerable and likely protected by the Equality Act 2010
- Advised local housing authority of the engagement of s.11, Children Act 2005 in the context of possession claims of non-secure tenancies

Administrative & Public Law

The broad umbrella of public law encompasses all of Victoria's practice: from public law defences in possession proceedings, through claims for judicial review of a local authority's housing allocation scheme, a magistrates court refusal to make an anti-social behaviour order, and an authority's discretion to provide interim accommodation pending inquiries as to any homelessness duties they may owe. It is that natural overlap in her practice which enables her to provide comprehensive advice and representation in any given topic.

Recent experience

- ***Kuznetsov v Camden LB* [2019] EWHC 1154 (Admin)**: successfully opposed a judicial review of the local housing authority's qualification criteria for entry to its allocation scheme
- ***Waltham Forest LBC v Saleh* B5/2018/2701** – pending before the Court of Appeal for hearing in October 2019. Appeal concerning out of area placements of applicants to whom a full housing duty has been accepted under Pt.7, Housing Act 1996
- ***Nelson-Homiah v Southwark LB & Ors* CO/4537/2018 (Admin)** – application for permission to claim judicial review of the local housing authority's decision regarding the homelessness prevention duty and its discharge
- ***R (on the application of K) v The London Borough of Haringey* (Admin) CO/1784/2018** – successfully opposed an application for interim relief in the form of accommodation ending the local authority's review of what (if any) duty it owed to secure accommodation for the Claimant under Pt.7, Housing Act 1996
- ***R (on the application of Evans) v Royal Borough of Kensington & Chelsea* [2016] EWCA Civ 653** – application for permission to appeal to the Court of Appeal against the decision of the local housing authority that an applicant with substance abuse problems and depression was not in priority need of accommodation\
- ***Ryan v City of Westminster* [2015] EWCA Civ 1448** – application to the Court of Appeal for permission to appeal the decision of the local housing authority that the applicant, who suffered from

Post Traumatic Stress Disorder, was not in priority need of accommodation

- ***R (on the application of Ittisam) v London Borough of Haringey* CO/916/2014 (Admin)** – acted for the local authority in opposition to the Claimant's application for permission to claim judicial review of the authority's refusal to secure for the Claimant accommodation pending an appeal of its decision regarding its Pt.7 duties
- ***R (on the application of IA) v Westminster City Council* (Admin) – [2013] EWHC 1273 (QB)** – judicial review of the local housing authority's decision not to provide a former asylum seeker with accommodation pending his review of what, if any, duty was owed to him under Pt.7, Housing Act 1996
- ***Babakandi v Westminster CC*, [2011] EWHC 1756 (Admin), LTL 12/7/2011 : (2011) NPC 70 : (2011) ACD 99.** a challenge to the local housing authority's housing allocation scheme.
- ***Hanton-Rhouila v Westminster CC*, [2010] EWCA Civ 1334, CA, LTL 24/11/2010 : (2010) NPC 117, (2011) HLR 12** – concerning 'gate-keeping' in the context of Pt.7, Housing Act 1996, specifically offering an assured shorthold tenancy to an applicant for housing under Pt.7, before any duty is determined to her under that statutory scheme, and subsequently finding she is 'not homeless' by reason of her having accepted that tenancy.
- ***R (on the application of J) v Birmingham City Council* [2010] EWHC 282 (Admin)**, applicant in a case stated against a magistrate's decision to vary an anti-social behaviour.
- ***Couzens v Colchester Borough Council*, B5/2009/0962** – an appeal against a decision that the applicant, with multiple vulnerabilities, was not in priority need of housing assistance. The specific focus of the appeal concerned the discharge of the inquiries function.
- ***R (on the application of K) v Oxford Crown Court & Oxford City Council*, CO/8359/2009** appeared for the local authority in their opposition to a judicial review of a magistrates' court decision to grant an anti-social behaviour against a minor.
- ***Prassanan v London Borough of Newham*, CO/993/2008**; acted for the authority in their defence of their qualification criteria for entry on to its housing register
- ***Halder v Westminster CC* (2011) CO/1839/2011**, claim for judicial review of the authority's refusal to provide the Claimant with interim accommodation under Pt.7, Housing Act 1996

FURTHER INFO

Directory Quotes



"Victoria is our go-to barrister for all property-related issues. She is excellent in her field, a great advocate and very easy to work with."

Chambers and Partners 2023

"Victoria really is an excellent barrister. Her assured and confident approach is well liked and respected by lawyers and clients alike."

Chambers and Partners 2023

"Victoria is extremely capable."
Chambers and Partners 2023

"She is excellent – very experienced and knowledgeable." "Her practical approach to cases provides an invaluable aid to clients, particularly on cases that need to be considered from a commercial point of view."
Chambers and Partners 2021

"A strong and tenacious advocate." "She provides clear and sound advice and is very approachable."
Chambers and Partners 2020

"An excellent advocate who really goes the extra mile to achieve the desired outcome. She is astute when dealing with complicated matters and good at explaining risks to clients." "She is an excellent all-rounder with a pragmatic approach."
Chambers and Partners 2019

"Has excellent legal knowledge, and yet is always friendly and approachable. She makes clients feel confident and at ease." "When she is in court, there is a sense that she is in control, as she's so cool and calm."
Chambers and Partners 2018

"An excellent technically lawyer. I have a huge respect for her mind, she is an amazing legal brain." "She's wonderful with clients, very personable and friendly but also very clear where the case is at and what needs to be done."
Chambers and Partners 2017

"She's very good at drafting and technical points, and has achieved some very good results."
Chambers and Partners 2016

"Victoria is an outstanding trial advocate who is exceptionally well regarded within her field as meticulously prepared, dogged in cross-examination and analytical in submissions."
The Legal 500 UK 2023

"Victoria takes a no-nonsense approach to litigation which is greatly approved of in my view! She is also dedicated, willing to assist at a moments notice and always able to produce A-grade quality work within very restrictive deadlines. "
The Legal 500 UK 2022

"Victoria has proven herself as a formidable barrister in all matters she has represented in. The pleadings had been concise and more importantly, have been necessarily aggressive whilst still protecting the client at the same time. She is well liked by clients she has worked with; she is able to offer a human touch whilst maintaining a professional decorum. This results in positive outcomes and happy clients."
The Legal 500 UK 2021

"Her strength is that she will not easily give up, has a lot of energy and will fight her client's corner while she remains standing."
The Legal 500 UK 2020

"A resilient and energetic advocate with a particular knack for cross-examination."
The Legal 500 UK 2019

"She gives straightforward advice, which clients appreciate."
The Legal 500 UK 2017

"Very able, determined and quick-thinking."
The Legal 500 UK 2016

Academic Background

- Pembroke College, Cambridge – MA, Theology.
- Middle Temple Queen Mother's Scholar, Harmsworth Entrance Exhibitioner of the Middle Temple.

Publications

- Assistant Editor of the Housing Encyclopaedia;
- Contributor to the housing aspects of the new edition of Jowitts Dictionary of English Law;
- Co-author of Blackstone's Guide To The Anti-Social Behaviour Act 2003.