



## Reviewers' Comments on Jan Luba QC

*From the Chambers UK Directory:*

**Chambers UK 2012** states that, in respect of housing work: Jan Luba QC "is pretty much in his own league" and is noted for his tireless dedication to even the most arduous of tasks. An "extremely intelligent and hard-working QC," he "has the ear of the Bench, and rightly so." Sources praise his ability to hold sway in a courtroom, and acknowledge his continuing involvement in leading social housing cases in the higher courts. On his public law practice, it reports: "The "amazing" Jan Luba QC has a niche administrative and public law practice relating to social housing, Gypsies and squatter cases. He was recently instructed in the Supreme Court case of Pinnock, the leading case on the impact of Article 8 of the Convention upon housing possession cases made by social landlords."

**Chambers UK 2011** reported that: "Jan Luba QC is hailed as the *"best appellant advocate in the field."* Peers admire the ease with which he *"commands the courtroom,"* and instructing solicitors agree he is *"clearly in a different league from almost everyone else at the Housing Bar."* Luba is invariably seen at the forefront of cases concerning the relationship between housing and the Human Rights Act." and in respect of his public law practice it reports: "The respected public law practice of Jan Luba QC is centred on housing law, where he is seen as being firmly at the forefront of the market." *"A phenomenal appellant counsel, he takes ambitious points whilst adopting a natural, easy-going manner."*

**Chambers UK 2010** said: "The chambers' leading silk is the indefatigable Jan Luba QC. He has had a particularly busy year, with barristers confirming that *"his domination of the high courts continues."* They also acclaim his *"unmatched talents, enormous popularity and extremely persuasive oratory skills."*

**Chambers UK 2009** reported that: "Interviewees couldn't speak highly enough of this barrister, who is *"virtually in a league of his own - his judgement about how the law should be developed to benefit those in housing need is unrivalled, and he remains the first choice for work in the appellate courts."*

**Chambers UK 2008** said: *"Mr Housing Law"* Jan Luba QC continues to be recognised as the leading silk for housing-related public law matters. *"He has an amazing ability to marshal complicated facts and arguments and present them in a simple, effective way,"* reveal sources." and that: "the *"inspirational"* Jan Luba QC was praised for being *"a walking encyclopaedia"* of housing law and its connection with other areas of social welfare law such as community care. He is also an *"efficient advocate who has the ear of the court"* and his peers and clients are unanimous in regarding him as *"exceptional."*

Based on this feedback from commentators, Jan was the only advocate ranked as a *"Star Performer"* for Social Housing in **Chambers UK** from 2008 to 2010 and retained his *"Star Performer"* Status in 2011

*From The Legal 500 Directory:*

**Legal 500 2011** has Jan ranked as a Leading Silk in both the Administrative &

**Year of Call**

1980

**Email Address**

janl@gclaw.co.uk

**Telephone**

020 7993 7794

**Queen's Counsel**

2000

**Education**

LLB (Hons) (LSE), LLM  
Welfare Law (Leicester)

**Practice Areas:**

Jan Luba QC is a member of the following Practice Areas:

- Community Care
- Gypsy & Traveller Rights
- Housing
- Public & Administrative Law
- Welfare Benefits

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Public Law and Property Litigation categories. Commentators said that Jan has a 'compelling courtroom presence' and is 'incredibly professional and committed'.

**Legal 500 2010** records commentators reporting that Jan has "the ability to make the most complex area of law comprehensible" and a "fantastic understanding and depth of knowledge of both substantive law and policy"

**Legal 500 2009** reported a commentator as saying Jan was "always a delight" and it described him as "a formidable housing silk".

**Legal 500 2008** described him as "a seminal figure in Housing Law".

**Legal 500 2007** said that Jan is "a brilliant advocate who has taken a leading role in the developing of housing law in the past two decades."

In 2007 Jan Luba QC won **The Legal Aid Barrister of the Year** award. He was honoured by the judges for his exceptional commitment and expertise in housing work.

## Practice

**(1) Housing law:** including residential landlord and tenant, homelessness, social and private sector housing, disrepair, housing standards, house renovation and housing benefit. Jan is particularly interested in the administrative law aspects of social housing provision and homelessness.

**(2) Other Social Welfare law:** including housing benefit and housing-related social welfare law covering health, disability, community care, discrimination and appeals to tribunals and courts.

Jan's practice is now almost exclusively in the Supreme Court and Court of Appeal - appearing in the leading Housing law cases (see Notable Cases section below). He tends to be instructed for the consumers of housing more often than for the providers with the result that most of his work is funded by legal aid.

## Beyond Practice

In addition to his advocacy work, Jan undertakes a wide range of instructions to advise both consumers and providers of housing.

Most recently Jan has sought to establish the importance of housing as a "human right" particularly for the most disadvantaged and poorly housed. He has also worked on the provision of housing as an aspect of "community care" services.

Jan undertakes a wide range of teaching and training commitments and is highly regarded as an effective communicator. He also edits the on-line Case Law Digest service for housing cases.

His voluntary work includes undertaking Case Reviews for the Bar Pro Bono Unit and serving as Patron of Croydon Housing Aid Service. He is a member of the Bar Council's Remuneration Committee and Civil Legal Aid Committee.

Jan is a Recorder authorised to sit in criminal and civil cases and in the Employment Appeal Tribunal.

## Background



Jan has been with Garden Court Chambers since 1992.

Before that he worked for over 10 years in voluntary sector organisations including: a law centre, the CAB service, the Child Poverty Action Group and the National Housing Law Service.

Jan has been actively promoting the development of social welfare law and access to legal services for over 25 years. He has chaired the Legal Action Group and the Free Representation Unit. He was an early member of the Housing Law Practitioner's Association (serving for many years on its executive and as Vice Chair). He represents the Bar Council on the LSC's Civil Contracts Consultation Group.

He has been shortlisted for a Human Rights Lawyer of the Year Award and was the Legal Aid Barrister of the Year 2007. He is a Bencher of Middle Temple.

## Notable Cases

### Supreme Court/House of Lords (2006-2011)

**London Borough of Hounslow v Powell [2011] UKSC 8** Summary: one of three linked appeals dealing with the impact of *Pinnock* (below) on the majority of social housing tenancies without security of tenure.

### **Manchester City Council v Pinnock [2010] UKSC 45**

Summary: a major case on the impact of Article 8 on possession claims. Jan was instructed for the Equality & Human Rights Commission.

### **Austin v Southwark LBC [2010] UKSC 28**

Summary: the case containing the obituary of the "tolerated trespasser" and also holding that the estate of a tolerated trespasser can apply to resurrect his former tenancy.

### **Manchester CC v Moran and Birmingham CC v Ali & Ors [2009] UKHL 36**

Summary: whether a woman living in a refuge remained "homeless" and whether accommodation not reasonable to continue to occupy could be used to perform a housing duty.

### **Ahmad v London Borough of Newham [2009] UKHL 14**

Summary: whether a local authority housing allocation scheme which organised the waiting list primarily by "date-order" was lawful.

### **Holmes-Moorhouse v Richmond upon Thames [2009] UKHL 7**

Summary: deals with whether a separated homeless parent can rely on a shared residence order from a family court to achieve priority for rehousing.

### **Knowsley Housing Trust v White [2008] UKHL 70**

Summary: decided that assured tenants could not lose their tenancies unless and until evicted pursuant to a possession order.

### **Doherty v Birmingham CC [2008] UKHL 57**

Summary: whether a gypsy can rely on Article 8 ECHR (right to respect for a home) to defend a claim for possession of their plot on a council's gypsy caravan site.

### **Lewisham LBC v Malcolm [2008] UKHL 43**

Summary: The leading case on the Disability Discrimination Act 2005, exploring its



interface with possession proceedings.

**M, R (on the application of) v London Borough of Hammersmith and Fulham [2008] UKHL 14**

Summary: local authority responsibilities for housing homeless children.

**Birmingham City Council v Walker [2007] UKHL 22**

Summary: whether a son could succeed his late mother to a council tenancy of which she and her late husband had been joint tenants.

**Riverside Housing Association Ltd v White [2007] UKHL 20**

Summary: whether a tenancy agreement providing for rent increases each June could be read as permitting rent increases each April.

**Kay v London Borough of Lambeth [2006] UKHL 10**

Summary: in its time, the leading case on Human Rights and Housing

**Court of Appeal (2008-2011)**

**Places for People Ltd v Sharples [2011] EWCA Civ 813:** the leading case on the interface between rent arrears, possession proceedings and bankruptcy.

**FZ, R (on the application of) v London Borough of Croydon [2011] EWCA Civ 59** Summary: the leading case on the correct threshold for granting permission for the judicial review of local authority age assessments of young people.

**Sheffield City Council v Wall (No.2) [2010] EWCA Civ 922**

Summary: whether a foster child was a "child" for the purposes of the right to succeed to a council tenancy on death of the tenant.

**Hall v Mayor of London [2010] EWCA Civ 817**

Summary: whether the Mayor had the right to bring a possession claim in respect of land owned by the Queen.

**Metropolitan Housing Trust v Hadjazi [2010] EWCA Civ 750**

Summary: the leading case on the construction of Ground 14A (domestic violence) of the grounds for possession against assured tenants.

**Salford City Council v Mullen [2010] EWCA Civ 336**

Summary: whether introductory tenants and non-secure tenants could defend claims to evict them by relying on their right to respect for their homes.

**Henley v Bloom [2010] EWCA Civ 202**

Summary: should a claim for compensation for disrepair be struck out where the tenant did not reveal the claim before giving up possession to the landlord?

**Birmingham City Council v Qasim [2009] EWCA Civ 1080**

Summary: whether council tenancies granted by a housing officer were valid if they were not authorised under the council's allocation scheme.

**Swindon Borough Council v Redpath [2009] EWCA Civ 943**

Summary: the main case on Anti Social Behaviour Injunctions.

**London & Quadrant Housing Trust v Weaver [2009] EWCA Civ 587**

Summary: whether a housing association could be subject to judicial review and whether it could be a "public authority" for human rights challenges.

**Welwyn Hatfield Council v McGlynn [2009] EWCA Civ 285**

Summary: whether a non-secure tenant had established a seriously arguable case



that the decision to evict him was unreasonable.

**Bracknell Forest Borough Council v Green [2009] EWCA Civ 238**

Summary: a council's appeal from a refusal to order possession against a tenant for under-occupying the council house in which he had lived all his life was dismissed.

**R (Taylor & Ors) v Basildon District Council [2009] EWCA Civ 13**

Summary: an appeal from the decision to evict the hundreds of travellers who had unlawfully established their homes at Dale Farm - the largest unauthorized site in the UK

**Austin v London Borough of Southwark [2009] EWCA Civ 66**

Summary: considers whether after the death of a tolerated trespasser his estate can apply to the court to revive his old tenancy

**Newport City Council v Charles [2008] EWCA Civ 893**

Summary: a review of the circumstances in which an appeal will be relisted to accommodate an appellant's choice of counsel

**R (Gilboy) v Liverpool CC [2008] EWCA Civ 751**

Summary: Whether the procedures for the review of a decision to recover possession from an introductory tenant were compatible with Article 6 of the ECHR

**Ehiabor v Royal Borough of Kensington & Chelsea [2008] EWCA Civ 1074**

Summary: whether a child born in the UK, who had never left the country, could be a "person from abroad" for the purposes of homelessness legislation.

**Manchester CC v Moran [2008] EWCA Civ 378**

Summary: whether a woman resident in a women's refuge remained "homeless".

**Floyd v S [2008] EWCA Civ 201**

Summary: whether disability discrimination could provide a defence to a claim for possession made on a mandatory ground.

**Birmingham City Council v Aweys [2008] EWCA Civ 48**

Summary: local authority responsibilities for housing homeless families who are presently living in poor accommodation.

**Greenwood Reversions Ltd v Mehra [2008] EWCA Civ 47**

Summary: whether a breach in the term of a lease had been waived and whether (if not) the tenant should have relief from forfeiture.

## Publications

### (1) Books

Co-author of *Housing Allocation and Homelessness: Law and Practice* (Jordans, 2nd edition, March 2010)

Co-author of *Defending Possession Proceedings* (LAG, 7th edition, August 2010)

Co-author of *Repairs: tenants' rights* (LAG, 4th edition, 2010)

Co-author of *Homelessness Act 2002: A Special Bulletin* (Jordans, 2002)

*Housing and The Human Rights Act* (Jordans, 2000)



Co-author of *Rights Guide for Home Owners* (CPAG, 1990)

*The Owner Occupier Handbook* (Sphere, 1990), and

*The Disabled Persons Handbook* (Sphere, 1989).

## (2) Articles

Jan writes regularly for the legal and housing press including *Legal Action* (in which he co-authors the monthly column *Recent Developments in Housing Law*). He also edits the on-line Case Law Digest service for housing cases.

## Training

Jan not only contributes to the Housing Team Seminar programme in our Chambers but lectures on courses organised by many other training providers.

## Professional Memberships

- Administrative Law Bar Association
- Haldane Society
- Housing Law Practitioners' Association
- Legal Action Group
- Social Security Law Practitioners' Association

## Other Activities

Jan has always undertaken voluntary work and is currently a case reviewer for the Bar Pro Bono Unit. He is also the patron of the Croydon Housing Aid Society. Jan is presently on the Bar Council's Remuneration Committee and its Civil Legal Aid SubCommittee. He represents the Bar on the Legal Services Commission's Civil Contracts Consultation Group.

Profile updated October 2011