



Reviewers' Comments on Jan Luba QC

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."

Chambers UK 2008 also said: "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**

Similar comments have been published in the **Legal 500**. In 2007 it said: Jan Luba QC is *"a brilliant advocate who has taken a leading role in the developing of housing law in the past two decades."* In 2008 it described him as *"a seminal figure in Housing Law"*. In 2009 it reports a commentator as saying Jan was *"always a delight"* and describes him as *"a formidable housing silk"*.

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.

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1980

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Queen's Counsel
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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

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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.

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 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 (2006-2010)

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: the leading case on Human Rights and Housing

Court of Appeal (2008-2010)

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 *Homelessness Act 2002: A Special Bulletin* (Jordans, 2002)

Housing and The Human Rights Act (Jordans, 2000)

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

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*).

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.

Profile updated July 2010