



Practice

Michael's main areas of practice are Housing and Property related issues. He deals with standard County Court actions; s.204 appeals, unlawful evictions, disrepair claims with personal injury elements and Right to Buy decisions. He is a Public Law expert. He appears in judicial review of interim accommodation decisions and allocation decisions. He appears in planning injunction cases. He deals with the interface between Housing and Community Care. He appears in the Court of Protection.

Michael also practises in Mental Health. He appeared for an Interested Party at the Victoria Climbié Inquiry.

Notable Recent Cases

COURT OF APPEAL

Henley v Bloom [2010] EWCA Civ 202 (with Jan Luba QC) (Earlier possession proceedings had been compromised by consent, refurbishment works were undertaken. The Court of Appeal held, in the successful appeal against a new disrepair claim being struck out, that a counterclaim for disrepair could have been raised the earlier action but the issue of a new claim did not amount to abuse of process. There was no compulsion to counterclaim because the earlier action did not relate to disrepair and a fair trial was still possible.)

Floyd v S (Equality and Human Rights Commission, intervening) [2008] EWCA Civ 201 (with Jan Luba QC) (a court does not need to adjourn possession proceedings brought on mandatory grounds for consideration of a Disability Discrimination Act 1995 defence without sufficient evidence of the alleged disability and its impact on the possession claim. The non-receipt of Housing Benefit does not amount to an exceptional circumstance that warrants adjournment).

London Borough of Greenwich v Ajulo [2008] EWCA Civ 608 (revival of secure tenancy for 'entrenched' tolerated trespasser following Knowsley HA v White [2008] UKHL 70).

South Cambridgeshire DC v Gammell (2006) 1 WLR 658 - (when to consider Article 8 rights when granting or continuing a s.187B Town and Country Planning Act 1990 injunction).

HIGH COURT

City of London v Samede [2011] EWHC (QBD) (IHQ/11/04327) (Representing the St.Paul's Protestors - Occupy London in their proportionality trial). **Explaining issues to BBC.**

Flynn v Basildon DC [2011] EWHC (QBD) (IHQ/11/0611) **31 August 2011.** (The Claimant was a 72-year-old resident of a site at Dale Farm in breach of planning law. The council proposed to carry out a direct action eviction. She brought a claim for breach of the Human Rights Act 1998 and sought an interim injunction to prevent the eviction. The High Court refused the injunction but granted a temporary stay for 7 days to allow the council to review the latest

Year of Call

1995

Email Address

michaelp@gclaw.co.uk

Telephone

020 7993 7600

Education

BSc
(JHons)(Physics/Philosophy),
MA (Law)

Practice Areas:

Michael Paget is a member of the following Practice Areas:

- Community Care
- Court of Protection
- Gypsy & Traveller Rights
- Housing
- Mental Health
- Planning & Environmental Law
- Property Law
- Public & Administrative Law

Garden Court Chambers

57 - 60 Lincoln's Inn Fields
London WC2A 3LJ
Tel 020 7993 7600
Fax 020 7993 7700



medical evidence about the claimant.) Press coverage.

R (otao Diep) v Land Registry [2010] EWHC 3315 (Admin) (Adverse possession. The Claimant was a registered proprietor of building and land. The Claimant had used the rear land for storage - On an application for registration of land on the basis of adverse possession. The Claimant was granted possessory rather than absolute title. This decision was not unlawful or irrational.)

R (otao McIntyre) v Gentoo Group Ltd [2010] EWHC 5 (Admin) (Admin Court finding that landlord's refusal to consent to a mutual exchange because of rent arrears on an unrelated property was unreasonable, a breach of contract and to that extent a breach of public law. Held that the landlord Gentoo, an RSL, was a public body exercising a public function which was, following Weaver, amenable to judicial review.)

Brentwood BC v Ball & Others [2009] EWHC 2433 (QB) (Although the Gypsy defendants were living on their land in breach of planning law it would not be proportionate to grant an injunction under s.187B Town and Country Planning Act 1990).

R (otao Ogbeni) v London Borough of Tower Hamlets [2008] EWHC 2444 (Admin) (where a full housing duty is owed to a 16 or 17 year old it is also owed to family members who were residing or would be reasonably expected to reside with the applicant).

COUNTY COURT

Hackney LBC v Brownless-Odina Legal Action October 2010 p30. (Executed warrant set aside for oppression where tenant was told by the landlord that all arrears needed to be paid off but was not told he needed to apply to stay the warrant before it was executed)

Hackney LBC v Hylton Legal Action October 2010 p30. (Successful succession to late father's secure tenancy. Defendant had been sleeping on sofa in father's one-bedroom flat when he started a relationship with a woman. Although the Defendant claimed benefits from her address and made loan applications this was not enough 'homemaking' to overturn the decision that he had been 'residing with' his father throughout the material time.)

Fahkari v Newman Legal Action June 2010 p35 (damages for disrepair and unlawful eviction. The landlord and sister had constantly texted the tenant and then claimed to the police that he was trying to blow up the property. Damages included £2000 for harassment and £2000 for exemplary damages.)

Harman v Greenwich LBC Legal Action January 2010 (successful s.204 HA appeal where the LA had failed to give the applicant enough time to make review representation and failed in its 'minded to' letter to explain oral representations could be made.)

Lewisham LBC v Litchmore Legal Action December 2009 (successful application to treat replacement tenancy as same as original tenancy so that a disrepair claim could be brought to include period when occupier had been a tolerated trespasser since, inter alia, mesne profits had been charged at same rate as original rent.)

Moreno v Hackney LBC Legal Action November 2009 (successful appeal



against eligibility finding. The appellant was an EU national who had not been working since 2004 but had only recently been diagnosed with bi-polar affective disorder. The Council held that he was not temporarily unable to work and so was not exercising a treaty right. The Council had erred in law in failing to consider that the absence from work was from illness from which, if properly treated, the appellant could recover from.)

Adekunle v Islington LBC Legal Action November 2009 (successful appeal against Council's finding that appellant was intentionally homeless following a deliberate act to sell her house when her finances were stretched but where no mortgage repossession proceedings had been issued. The Council had misdirected itself in assuming the conscious decision to sell, without more, meant that an intentionality finding would follow where there was no realistic alternative.)

Publications

'Residential Disrepair: Where does the structure stop?' *Landlord and Tenant Review* Vol 15, Issue 6 (December 2011);
Course author and speaker for Central Law Training on Residential Landlord and Tenant Litigation and for The Solicitors Group and Professional Conferences on Housing Law. Speaker at HLPAs general meetings and seminars.

Professional Memberships

- Treasurer of Housing Law Practitioners Association
- Administrative Law Bar Association

Other Activities

- Chair of Governors of Lambeth Primary School
- Chair of Trustees of Indonesian Human Rights Campaign

Profile updated January 2012