



# Maya Naidoo

YEAR OF CALL: 2002



Maya Naidoo is currently away from chambers. She provides advice and representation in housing law and community care law. She acts in homelessness appeals and judicial reviews, complex anti-social behaviour possession and injunctive proceedings, public law defences, unlawful eviction, harassment, disrepair and other landlord tenant disputes.

Maya also appears in the Land Valuation Tribunal in service charge disputes. She has particular experience in representing vulnerable clients with mental health problems in cases where there are capacity issues.

She also sits as a Deputy District Judge in London and the South East.

"Excellent with vulnerable clients." "She gets results in very difficult situations."

CHAMBERS UK 2015

"She'll explore every possible angle when looking at legal processes." "Instructing solicitors particularly note her attention to detail."

CHAMBERS UK 2014

If you would like to get in touch with Maya please contact the clerking team:

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## HOUSING LAW

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### NOTABLE CASES

#### Unlawful eviction

##### ***Sultani v Meizels, Willesden County Court (November 2012)***

Default judgment was entered on a claim for unlawful eviction where the landlord had made threatening comments to the tenant who was in rent arrears, changed the locks and dumped his possession on the street. The claimant had one night in a bed and breakfast, 4 nights on the street and 49 nights sleeping on friends' floors before securing an assured shorthold tenancy. The claimant had suffered embarrassment at sharing with married friends, hair loss due to stress and back and neck ache from his nights on the floor.

A number of personal possessions, including irreplaceable items of sentimental value, had not been returned to him. The claimant claimed the return of his unprotected deposit and three times its value pursuant to the Housing Act 2004 on the basis that the tenancy had never been lawfully ended. The judge awarded: £150 for the night in the B & B, £300 per night when the claimant was street homeless and £200 per night for each night on a friends' floor, totalling £11,150; £795 special damages including the cost of the B & B; £2000 aggravated damages; £1500 exemplary damages; £980 deposit and £2940 penalty payment; interest of £230.54 on the general damages claim.

#### Possession trials

##### ***LB Sutton v D, Croydon County Court (October 2012)***

The defendant had pleaded guilty to production of cannabis at premises occupied under a secure tenancy and the council sought possession on grounds of anti-social behaviour and breach of tenancy (Grounds 1 and 2 of the Housing Act 1985). He had significant rent arrears and was not in receipt of Housing Benefit for the period of his imprisonment. His girlfriend had recently been installed as a caretaker but her claim for Housing Benefit had yet to be processed. There was one recent payment onto the account.

The defendant relied upon the fact that he had been 'leaned on' to permit his property to be used for the production of cannabis (having suffered two previous attacks at the hands of individuals to whom he owed money); he believed they would not seek to use the premises again as he had put in a guilty plea at the Crown Court and not disclosed their identities. Further the property was now tainted. The defence relied in evidence on the remarks of the sentencing judge in respect of the production of cannabis, in which he had accepted that the defendant played a 'lesser role' and was 'leaned on' to permit his property to be used for possession of cannabis. The county court judge attached significant weight to those remarks, which were consistent with the defendant's account.

The defendant was undertaking various courses whilst in prison and his father gave evidence that the son would be taken into his employment upon release. A possession order was made but its execution suspended on terms that the defendant comply with the terms of the tenancy and pay the current rent plus £3.55 per week towards the arrears. Terms imposed as to behaviour were to expire two years after the defendant's release from prison. The order was to cease to be enforceable two years after the defendant's release from prison or at the date the arrears were discharged.

### ***Hyde v H, Clerkenwell & Shoreditch County Court, July 2012***

The claimant sought possession on Ground 16 of the Housing Act 1985, the defendant challenged the suitability of the alternative accommodation offered on grounds that her household comprised of two adults and two adult sons and therefore a three bed was suitable, the claimant offered a two bed property. The claim was dismissed on the basis that both sons were members of the household at the date of trial and a two-bed property was not suitable. The claimant was ordered to pay the defendant's costs.

### **Possession: applications**

#### ***LB Ealing v H, Uxbridge County Court (June 2011)***

The local authority's *Sheffield v Hopkins* application to introduce allegations of anti-social behaviour on an application to suspend a warrant for possession was refused. Some of the allegations were too old the matter could not be dealt with summarily as intended by the Court of Appeal. The warrant was suspended on terms as to payment of rent.

## **Homelessness**

### ***A v LB Southwark, Lambeth County Court (April 2012)***

The appellant appealed against a decision that she was intentionally homeless. She had left her spouse due to domestic violence, but failed to reveal this at the initial stages of making her application as a homeless person and therefore found to be not credible.

The grounds of appeal relied upon Makisi in the Court of Appeal and the respondent's failure to provide the appellant with a 'face-to-face' oral hearing (rather than a telephone interview) or inform her in its regulation 8 (2) 'minded-to' letter that she was entitled to an oral hearing; the respondent had failed to make inquiries of the appellant's mother, despite being told in interview that the mother had knowledge of the domestic violence; there was a breach of natural justice as it had never been put to the appellant that she lied at interview. The authority withdrew the decision.

### ***AM v The London Borough of Southwark, Central London County Court (July 2011)***

The appellant brought a statutory appeal against a decision that she was not homeless under s. 175 and 177 of the Housing Act 1996 due to threats of violence. Detailed grounds of appeal challenging the decision-making process and the respondent's failure to properly apply *Yemshaw v London Borough of Hounslow* [2011] UKSC 3 as to the definition of domestic violence were drafted and lodged and the respondent withdrew its decision. A second decision was issued. Grounds were drafted and served on the respondent. The decision was withdrawn. The respondent finally decided the appellant was homeless and it owed her the full housing duty.

### ***CA v London Borough of Tower Hamlets Clerkenwell v Shoreditch County Court, October 2009.***

Mr A appealed a decision by the local housing authority that he was not eligible for housing assistance under Part 7 of the Housing Act 1996. He was a British national who had returned to Bangladesh, the country of his birth, leaving his wife and children in the UK. He returned to the UK approximately four years later in ill health and was hospitalised. The family he had left behind did not want to accommodate him and he applied to the local authority for housing assistance as a homeless person.

The local authority interviewed the Appellant, who spoke Bengali, and permitted his otherwise estranged son to translate. The local authority put certain adverse matters to the son and concluded from information given by the son that the Appellant had not returned to the UK with a settled purpose and was therefore ineligible for assistance. The Appellant challenged the fairness of the local authority's procedure. The local authority withdrew its review decision and undertook to make a fresh decision.

### ***Parker v Brent LBC, Central London Civil Justice Centre (1 August 2008, Legal Action***

## **December 2008)**

Homelessness - eligibility of Polish national based on Article 12 of Regulation 1612/68 and Baumbast - stay granted pending ECJ judgment in *Harrow LBC v Ibrahim* notwithstanding respondent's argument the appeal was an abuse of process and should be dismissed for reasons including that the appellant had not completed 12 months as a registered Accession State national.

## ***Melka v Tower Hamlets LBC*, Bow County Court (7 July 2008, Legal Action December 2008)**

Homelessness - local connection. There was no rule that interim accommodation out of the borough can never constitute a period of normal residence of the appellant's own choice for the purposes of the local connection provisions).

## ***Payne v Kingston RLBC*, Central London Civil Justice Centre (3 January 2008, Legal Action March 2008)**

Homelessness - priority need. Failure to give a reasoned assessment of the impact of drug abuse on the appellant's vulnerability.

## **Committal**

## ***The Guinness Trust v Schierz*, Bath County Court (January 2011)**

The claimant applied to commit the defendant, who was subject to an interim anti-social behaviour injunction, for alleged assault of a neighbour in breach of the injunction. The neighbour attended to give evidence as did a police officer who had arrived after the incident. After cross-examination of the claimant's witnesses, the judge heard an application of no case to answer. He found the neighbour's evidence unreliable and that there was no case to answer. He dismissed the application without hearing evidence from the defendant.

## **Land Valuation Tribunal**

***Sussex Villas v H & W***, September 2012. There was no liability for the respondents to pay a service charge sought in advance for the purposes of the reserve fund to complete major works. The lease provided that the reserve should not unduly fluctuate from year to year. The applicant had failed to accrue funds in the reserve on a year-by-year basis to avoid undue fluctuation. The funds sought for 2010 were disproportionate to those sought on previous years and could not be sought in advance under the lease, although this did not prevent them from being sought at the year end after the expenditure was incurred.

## BACKGROUND

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Maya has previously worked in family and immigration law and her expertise has frequently assisted clients whose cases involve overlapping issues of housing, family and immigration law.

She sits as a Deputy District Judge in London and the South East.

Maya's South African origins gave rise to an early commitment to human rights. She taught in South Africa in 1995 at a time of critical change and worked as a researcher into South African trade unions and politics. She has worked as an in-house lawyer in an immigration solicitor's office on cases in preparation for the European Court of Human Rights.

## PUBLICATIONS

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Maya has published in the *Legal Action Group Journal*, the *New Law Journal*, the *Legal Executive* and *Times Educational Supplement* and in the journal *Multicultural Education*.

## TRAINING AND SEMINARS

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Maya has delivered training for solicitors on human rights and housing, homelessness, eligibility and possession as well as delivering training for the Joint Council for the Welfare of Immigrants on freedom of movement of persons in the EEA.

## AWARDS

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As a student, Maya won a number of awards including:

The Baron Dr Ver Heyden de Lancey Prize (awarded by the Middle Temple for Outstanding results in the Bar exams, 2002)

The Cloisters' Prize (for coming first in her year at the College of Law in the Bar exams, 2002)

The Graham Turnbull Essay Prize (awarded by the International Human Rights Committee of the Law Society with the essay published in the *New Law Journal*, 1999)

Julia Wood Prize (St Hugh's College Oxford, proxime accessit, 1994)

She was a Diplock Scholar at the Middle Temple (1998 and 2001) and received a scholarship to study for her LLM in Bruges.

## EDUCATION

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- BA (Hons) (Oxon)
- LLM in EC law (Bruges)
- BVC Outstanding (College of Law)

## PROFESSIONAL MEMBERSHIP

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- Housing Law Practitioners' Association
- Legal Action Group
- Amnesty International

## LANGUAGES

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- French
- Greek
- Spanish
- German

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