

Ayesha Omar

Year of Call: 2012



Practice Summary

Ayesha specialises in all areas of property law. She has a wide range of experience in residential, commercial and real property disputes.

Ayesha regularly appears in the County Court and the First-tier Tribunal (Property Chamber). She has extensive experience of appeals having appeared in the Upper Tribunal (Lands Chamber) and the Court of Appeal. Given her expertise in housing and property law, Ayesha was instructed as junior counsel to the Grenfell Tower Inquiry.

Ayesha prides herself on being commercially minded and accessible to clients. She is equally at home with both advisory and litigation work. Her instructing solicitors have described her work as "excellent" and have said that "clients are always impressed with the clarity of her advice and advocacy skills".

Ayesha can be instructed directly in suitable cases under the Bar's Direct Access Scheme.

Ayesha has extensive experience of a broad range of disputes in this sector. She routinely represents both landlords and leaseholders in the County Court and the First-tier Tribunal (Property Chamber). Ayesha has also been successful on appeals in the Upper Tribunal (Lands Chamber).

Examples of Ayesha's recent cases:

The payability and reasonableness of service and administration charges

Compliance with consultation requirements under section 20, Landlord and Tenant Act 1985

The validity of a clause providing a lessor with a discretion to reapportion service charges in light of section 27A(6), Landlord and Tenant Act 1985. Ayesha appeared for the successful Respondent (led) in *Fairman v Cinnamon (Plantation Wharf) Ltd* [2018] UKUT 421 (LC); [2019] 1 WLUK 603

The variation of lease terms under section 35, Landlord and Tenant Act 1987 and the compensation payable under section 38. Ayesha appeared for the successful appellant (led) in *Triplerose Limited v Bronwen Stride* [2019] UKUT 99 (LC); [2020] H.L.R. 9

The premium payable for the grant of a new lease under the Leasehold Reform, Housing and Urban Development Act 1993

Altering existing terms for the purposes of a new lease under section 57(6), Leasehold Reform, Housing and Urban Development Act 1993

Applications for a vesting order under section 24, Leasehold Reform, Housing and Urban Development Act 1993 where the terms of acquisition relating to collective enfranchisement had been agreed but no binding contract had been entered

Obtaining a determination under section 168(4), Commonhold and Leasehold Reform Act 2002 following a breach of covenant

Forfeiture

Ayesha frequently delivers seminars/webinars on leasehold matters. She has provided a “case-law and legislation” update at the annual conference held by the Association of Residential Managing Agents (“ARMA”) and chaired a panel discussion at the Professionalism in Property conference on leasehold reform.

Ayesha has a strong practice in housing and property law. She has an in-depth knowledge of the area and provides her clients with a friendly and efficient service.

Examples of Ayesha’s recent cases in the housing sector:

Possession proceedings based on rent arrears, anti-social behaviour, subletting and succession

Possession proceedings involving trespassers

Accelerated possession proceedings involving section 21 notices, licensing issues and tenancy deposits

Claims for unlawful eviction

Claims for damages and injunctions for disrepair

Rent repayment orders

Proceedings relating to housing conditions and possession pursuant to section 33, Housing Act 2004

HMO licensing

Gang and anti-social behaviour injunction and committal proceedings. Ayesha appeared for the successful respondent (led) in the Court of Appeal case of *Jones v Birmingham City Council* [2018] EWCA Civ 1189 which concerned whether the scheme for granting

injunctions to prohibit gang-related violence was compatible with Article 6, European Convention on Human Rights.

Examples of Ayesha's recent cases in real property matters:

Applications to rectify the Land Register. Ayesha appeared pro bono for the appellant (led) in *Akhtar v Slough Borough Council* [2019] UKUT 308 (LC) a factually complex case which considered the scope of Schedule 4, Land Registration Act 2002 in terms of its application to registrable dispositions that later proved to be void, and whether such dispositions constituted mistakes requiring alteration of the proprietorship register.

Charging orders

Mortgage possessions

Trusts of land and co-ownership disputes

Neighbour disputes under the Access to Neighbouring Land Act 1992

Ayesha is conscious of the need to provide her clients with clear and practical advice in order to minimise their exposure to the significant costs which are so often incurred in this type of litigation.

Ayesha has significant experience of commercial tenancies and regularly acts for landlords and tenants.

Examples of Ayesha's recent cases:

Termination and renewal of business tenancies

Exercise of break clauses

Breaches of covenant involving substantial damage to property

Damages for terminal dilapidations

Possession and money judgment following forfeiture

Ayesha is able to quickly identify the important aspects of a case and provide her clients with a professional and dedicated service.

Memberships

- Property Bar Association
- Bar Pro Bono Unit (Advocate)

Qualifications

- Bar Professional Training Course- Nottingham Law School (Very Competent)
- LLB (Hons)- University of Leicester (Upper Second Class)