

Annabel Heath

Year of Call: 2010



Practice Summary

Annabel was called to the Bar in 2010 and subsequently qualified as a solicitor in 2013. Since joining chambers Annabel has developed a busy housing, homelessness and public law practice.

She has extensive experience in housing and homelessness, including being led in the Court of Appeal in *R (Elkundi) v Birmingham* and *R (Imam) v Croydon* (2022) EWCA Civ 601 where she represented Birmingham City Council on the operation of s193(2) Housing Act 1996. Additionally, she was led in the Court of Appeal in *Biden v Waverley Borough Council* (2022) EWCA Civ 442 where she represented Ms Biden. This was the first case to consider the level of enquiries where an applicant was homeless and transgender.

Additionally, she has experience advising on local government policy, FTT disputes and commercial and residential landlord and tenant work.

Prior to commencing pupillage she spent 7 years working at international law firm Gowling WLG (UK) LLP specialising in housing and commercial property litigation. Whilst at Gowling WLG, Annabel advised a range of clients, including local authorities, social housing providers, pension funds and developers regarding various property disputes with particular expertise in tenants' rights of first refusal, agricultural law and professional negligence claims.

Outside of chambers Annabel is a keen gardener.

Annabel has experience advising clients in landlord and tenant matters including in the First Tier Tribunal. Recently she successfully acted for a landlord who was social housing provider in a challenge to the reasonableness of service charges. The tribunal found all charges were reasonably incurred.

Prior to commencing pupillage she spent 7 years working at international law firm Gowling WLG (UK) LLP specialising in housing and commercial property litigation. Whilst at Gowling WLG, Annabel advised a range of clients, including local authorities, social housing providers, pension

funds and developers regarding various property disputes with particular expertise in tenants' rights of first refusal, agricultural law and property based professional negligence claims.

She has a particular interest in claims relating to the Landlord and Tenant Act 1954.

During her previous career as a property disputes solicitor Annabel has gained a wealth of experience including:

Advising a national housing builder whether an option agreement relating to the development of a new town had been terminated by conduct and/ or whether a repudiatory breach had occurred.

Acting for a social landlord in a circa £2million professional negligence claim against a leading firm of solicitors regarding the grant of subleases for terms longer than the headlease.

Advising a social landlord on a complex mixed use vacant possession strategy including opposed 1954 Act proceedings on the basis of redevelopment, commercial forfeiture and insolvency. The purpose of the strategy was to enable a major redevelopment with a GDV of £750 million.

Advising a national house builder on a vacant possession strategy involving the termination of a number of agricultural tenancies.

Advising a care provider on whether there was an obligation to serve notices under the Landlord and Tenant Act 1987 prior to the sale of a care home and linked retirement village.

Successfully defending a respondent in a 3 week gang injunction trial which initially had 13 respondents. Annabel's client was the only respondent to have his claim dismissed.

Annabel represents both landlords and tenants in all housing related matters (including homelessness and disrepair), and is well versed in claims where either capacity or the Equality Act 2010 are in issue.

She is often instructed on multi-day housing trials. Recent cases include:

- successfully acting for a local authority on a 3 day succession trial;

- successfully acting for a local authority on a two day injunction trial where there was significant anti-social behaviour and domestic violence;

- acting for a tenant in a possession claim where there were ongoing issues as to capacity;

- acting for a social landlord on a committal trial where the Defendant had repeatedly breached the injunction. The Defendant was sentenced to 18 months imprisonment.

- successfully defending a housing disrepair claim brought against a local authority.

Annabel has also developed a busy homelessness practice. She advises local authorities and applicants on all aspects of homelessness and allocations policy. Some of her cases of note include

R (Elkundi and others) v Birmingham City Council [2021] EWHC 1024 (Admin)

Mrs Michelle Biden v Waverley Borough Council [2022] EWCA Civ 442

R (Elkundi) v Birmingham [2022] EWCA Civ 601

R (Oday Yabari) v The Lord Mayor and Citizens of the City of Westminster [2023] EWHC 185 (Admin)

Annabel has particular experience in housing disrepair claims. In particular she advised local authorities on their repairing obligations to those in temporary accommodation.

Since joining chambers Annabel has advised on a number of judicial review claims. She has advised local authorities on their homelessness policies. Annabel is keen to expand this area of practice.

Education

- MPhil, Classics, University of Birmingham
- MSc, Economic Policy and International Business, University of Birmingham
- BA (Hons), Classics, University of Birmingham
- GDL, Nottingham Trent University
- BVC, Nottingham Trent University
- Middle Temple Lord Diplock Scholar