

Philippa Seal

Year of Call: 2008

Practice Summary

Philippa has a property and general commercial practice with particular expertise in the field of landlord and tenant.

She represents claimants and defendants at all levels including in the High Court in the King's Bench and Chancery Divisions, in the Companies Court, and in the County Courts throughout England and Wales. She undertakes intermediate and multi-track trials, applications and interlocutory hearings. Philippa also accepts work under the Bar's Direct Public Access Scheme.

Additionally, Philippa delivers training sessions and workshops on all property related matters. She is committed to the training and development of those entering the profession. She is a visiting lecturer teaching Civil Litigation and Advocacy, a pupil supervisor, and a mentor at Lincoln's Inn.

Real Property

Philippa deals with all real property disputes and appears before specialist tribunals including the Property Chamber.

She undertakes forfeiture claims, claims arising under the Party Wall etc. Act 1996, lease extensions, and applications under The Trusts of Land and Appointments of Trustees Act 1996. She also undertakes cases involving nuisance and easements.

Related cases of interest

> Willow Court Management Company Ltd and Others v 231 Sussex Gardens Right to Manage Ltd 2016 [UKUT] 0290 LC – Representing the appellant leaseholder in an appeal against the First-tier Tribunal's award of costs against her on the basis of unreasonable behaviour under rule 13(1)(b), Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, which award was set aside on appeal.

Representing the wife in a 5 day trial resisting an order for sale and claiming a constructive trust of her family home against which her husband, the sole registered owner, had taken out a loan agreement and defaulted on payments.

Bhathal v Mistry & Anor [2014], High Court (Chancery Division) – Representing the wife, whose signature had been forged by her husband on a mortgage deed in a claim for possession in a claim brought by the mortgagee.

Representing the freehold owner of a property in relation to an encroachment by an extension built by his neighbour. The issues included non-compliance with the Party Wall etc. Act 1996, damage to the property, and a claim for adverse possession.

Negotiating a favourable outcome at mediation on behalf of 13 leaseholders defending a claim for forfeiture and possession on the basis of unpaid rent and service charges, having made a successful application to set aside default judgment. There was a counterclaim for damages for breach of covenant for quiet enjoyment as a result of disruption caused by major works over a year and a half. The issues included whether the right to equitable set off was excluded by the terms of lease.

Representing tenants and landlords before the First-tier Tribunal (Property Chamber) in applications to appoint a manager, and under s.27A, Landlord and Tenant Act 1985 including the reasonableness of proposed service charges for major works. Successfully argued over the course of a 2 day trial that patch repairing (rather than replacing) the roof fulfilled the freeholder’s covenants under the terms of the lease. This involved extensive cross examination of an expert witness.

Housing & Property

Philippa has an extensive practice in residential landlord and tenant and acts on behalf of landlords (private and social) and tenants.

Philippa undertakes possession hearings (including multiple day trials) in relation to all grounds for possession. Trials in which she has been involved include subletting, anti-social behaviour, obtaining a tenancy by deception, abandonment, and acts of waste.

Philippa’s current role as an Equality and Diversity Officer in Chambers, together with her previous work at the AIRE Centre, demonstrates her interest in and experience of cases involving the Equality Act 2010. She has been instructed in a number of cases relating to succession, including those defended on the basis of breaches of the Equality Act.

Additionally, Philippa also has experience of commercial landlord and tenant law including of breaches of covenant and forfeiture.

Related cases of Interest

Representing a housing association in a lengthy possession trial. In addition to rent arrears, possession was sought on the basis of anti-social behaviour (violent and threatening behaviour which caused neighbours to be re-housed), and committing an indictable offence in

the locality.

Representing a local authority in a vigorously contested claim for possession on the ground of under-occupation lasting several days.

Representing a housing association in a possession trial against a tenant represented by the Official Solicitor on the basis of anti-social behaviour (prolonged and disturbing noise nuisance), defended on the basis of unlawful discrimination.

Mediation on behalf of a local authority in respect of a possession claim on the ground of abandonment and acts of waste. There was a counterclaim for disrepair.

Representing the tenant in a possession claim in which the housing trust alleged she did not fulfil the relevant succession criteria, and was not entitled to succeed under the terms of her tenancy agreement. The claim was defended on public law grounds.

Numerous cases involving section 21 of the Housing Act 1988 and issues in relation to tenancy deposits.

Private prosecutions in the Magistrates' Court relating to s.82 of the Environmental Protection Act 1990.

Philippa has a busy appeals' practice. Her appeals include:

Representing the respondent landlord in an appeal brought by the tenant against a possession order made on ground 8 of schedule 2 of the Housing Act 1988. The basis of the appeal was that the district judge had erred in making an order for possession rather than giving directions, when a counterclaim for disrepair was handed up at the hearing. The appeal was dismissed.

Representing the appellant landlord in relation to an appeal against the order of a district judge who made a declaration that the landlord was in breach of the Equality Act 2010 following the landlord's failure to serve a defence to the counterclaim. The order was overturned on appeal.

Representing the appellant landlord in relation to the refusal of a deputy district judge to make an order for possession on the basis of anti-social behaviour, and committing an indictable offence in the locality, and rent arrears on discretionary grounds. The matter settled following the grant of leave to appeal to the Court of Appeal.

Representing the appellant landlord in an appeal against a district judge's dismissal of an undefended application to expedite a possession claim for a summary hearing under its case management powers. The order was overturned on appeal and an order for possession was made.

Assisting the tenant in successfully appealing an order for possession made at the first hearing on the basis that the district judge had made an error of law by incorrectly applying CPR 24.2 instead of CPR 55.8. The order was overturned on appeal and case management directions were given.

Assisting the tenant in successfully appealing an order for possession made at the first hearing on the basis that the district judge had erred in finding that a s.21 notice had been properly served by first class post in the absence of s. 196 of the Law of Property Act 1925 having been incorporated into the tenancy agreement by express provision. The order was overturned on appeal and the case was sent back to the county court.

Commercial

Philippa practises in all areas of Commercial Law including breach of contract, insolvency and sale of goods.

Related cases of interest

Representing the petitioning creditors in Reeves and Anr v Sandhu [2015] EWHC 985 (Ch) a long running application for bankruptcy which had involved two attempts to set aside the original judgment debt, an application to set aside a statutory demand and an application to dismiss the bankruptcy which, although initially successful before the district judge, was overturned on appeal in the High Court

Representing a party in a substantial multi-track claim for money had and received involving a constructive trust, lasting several days.

Successfully resisting an application to strike out the defence to a claim for £17m for fraudulent misrepresentation.

Advising and defending a number of parties in relation to claims for alleged breach of contract of timeshares of properties in Spain. The issues involved misrepresentation, breaches of the Unfair Contract Terms Act 1977, and breaches of the Timeshare Act 1992.

Numerous cases involving credit hire, both for claimants and defendants. Issues have included the enforceability of the contract, and the appropriate level of damages for loss of use, diminution in value, and loss of profit.

Articles

“Leases vs Licences” with Annabel Steele, Landlord and Tenant Review (2025), 29 L. & T. Rev.

"Repair vs Replacement: A Service Charge Matter" with Ilana Hirschberg (2024) 28 L. & T. Rev.

"Costs in the First-tier Property Tribunal," Landlord and Tenant Review (2023), 27 L. & T Rev.

"The Absent Tenant: The "Only or Principal Home Test", Landlord and Tenant Review (2015) 19 L. & T. Rev.

Direct Access

- Yes

Memberships

- Property Bar Association
- Social Housing Law Association

Qualifications

- MA, Modern and Medieval Languages (Christ’s College, Cambridge and University of Vienna)
- Post Graduate Diploma in Law (City University)
- Bar Vocational Course (City University)
- Sir Thomas More Award
- Keble Advanced Advocacy Course

Areas of Expertise

- Property
- Housing
- Human Rights Equalities
- Commercial