

Stephanie Smith

Year of Call: 2004

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Practice Summary

Stephanie specialises in all areas of housing, landlord and tenant and related local government and property law. She has extensive experience of litigation including in the Supreme Court, Court of Appeal, High Court and County Court and Property Chamber of the First Tier Tribunal around the country.

Stephanie's recent cases have related to the following areas:

- All aspects of housing law including possession proceedings (including Equality Act 2010 and housing fraud), HMO regulation, anti-social behaviour, housing conditions, enfranchisement, service charges, right to manage, nuisance, forfeiture, deposit schemes; unlawful eviction;
- Subletting of social housing including policy development and possession proceedings under the 1985 and 1988 Housing Acts;
- Homelessness, housing allocations and judicial reviews concerning the provision of interim accommodation;
- Adverse possession and encroachment, easements, rent charges and boundary disputes concerning private and local government landowners;
- Commercial landlord and tenant law including renewals pursuant to the Landlord and Tenant Act 1954, dilapidations, breaches of covenant, consents for alterations and underlettings, rent review, breach of covenant, nuisance and forfeiture;
- Telecommunications disputes involving rights of access to land and the installation and/or removal of equipment.

As well as being a former Assistant Deputy Editor of the Encyclopaedia of Housing Law, Stephanie is author of "A Practical Guide to Unlawful Eviction and Harassment", 2nd edition (2020), and "A

Practical Guide to Succession to Social Housing Tenancies" (2022), Law Brief Publishing.

Stephanie also regularly delivers lectures on housing and property law matters and has written several articles on legal developments in the field of Housing, Landlord and Tenant and Local Government Law.

Administrative and Public Law

Stephanie's practice regularly involves administrative and public law issues. Her appearances in the Court of Appeal have concerned the interrelationship between the public-sector equality duty under s.149, Equality Act 2010 (in the context of disability) and local authority housing and homelessness functions. She has acted frequently for both local authorities and tenants in possession proceedings raising equality and human rights defences.

Stephanie has extensive experience advising and representing local authorities in cases involving anti-social and criminal behaviour. She has been instructed in claims to obtain and enforce injunctions against gang members, drag racers, noisy neighbours and violent partners amongst others as well as advise on the use of public spaces protection orders to control nuisance.

She has also advised and represented local authorities procuring contracts for works to their Borough-wide housing stock.

She has very recently appeared before the First-tier Tribunal (Social Entitlement Chamber) regarding a challenge to the method for calculating housing benefit where rent-free weeks apply. The outcome is of considerable importance to benefit authorities across England and Wales.

Stephanie also advises and represents local authorities in cases involving the Care Act 2014 and the Children Acts 1989 and 2004 and has experience advising on policy regarding the recovery of care fees.

She appeared on behalf of a local authority at a coronial inquest into the death of one of its tenants from carbon monoxide poisoning.

Noteworthy cases:

> Clarion Housing Association Ltd v Carter (as personal representative of Agnes Monica Carter (deceased) and personally) [2021] EWHC 2890 (QB); [2021] All ER (D) 46 (Nov)
>
> Luton Community Housing Ltd v Durdana [2020] EWCA Civ 445; [2020] All ER (D) 170 (Mar)
>
> Dove and another v London Borough of Havering [2017] EWCA Civ 156; [2017] 2 P & CR 275

Homelessness

Stephanie routinely represents and advises both local authorities and applicants in homelessness matters including s.204 appeals and applications to the High Court for judicial review of refusals to accept applications and provide accommodation under ss.188(1) and (3). She has appeared several times in the Court of Appeal on homelessness matters.

Noteworthy cases:

Moge v Ealing London Borough Council [2023] EWCA Civ 464, [2023] All ER (D) 61 (Apr) - Permission to appeal refused by the Supreme Court on 30 November 2023.

Abdikadir v Ealing London Borough Council [2022] EWCA Civ 979; [2022] All ER (D) 92 (Jul)

Minott v Cambridge City Council [2022] EWCA Civ 159; [2022] PTSR 786

Housing & Property

As well as undertaking complex possession proceedings for both landlords and tenants, Stephanie acts for private individuals in cases concerning inheritance disputes, trusts of the family home, and mortgage disputes including LPA receivership.

Stephanie has experience in all aspects of housing, including leasehold disputes (construction of covenant, service charge recovery, appointment of managers, enfranchisement, right to manage, lease extensions), possession proceedings, the right to buy, shared ownership, housing fraud, disrepair/dilapidations and unlawful eviction/harassment. She has written extensively about, and provided training in, these areas. Stephanie also regularly appears in the First-tier Tribunal (Property Chamber) in respect of complex residential leasehold matters including challenges to Borough-wide qualifying long-term agreements and high-value contracts for works to housing stock.

She regularly acts for local authorities in relation to obtaining and enforcing injunctions preventing nuisance and annoyance and possession proceedings. She has expertise in the new legislative scheme under the Anti-Social Behaviour, Crime and Policing Act 2014 and regularly provides training on the powers available to local authorities and the police.

Stephanie authored the annotations to Part VI, Localism Act 2011. She accepts instructions concerning the crossover between Housing, Property and Planning Law including nuisance, waste and planning and environmental considerations relevant to adverse possession and encroachment.

Stephanie has experience with advising on and representing disputes under the Electronic Communications Code (particularly rights of access over land and the installation and/or removal of telecommunications equipment). She has also advised and represented local authorities and private individuals in cases concerning disputes over freehold and leasehold land (both residential and commercial) as well as adverse possession and encroachment.

Noteworthy cases:

Clarion Housing Association Ltd v Carter (as personal representative of Agnes Monica Carter (deceased) and personally) [2021] EWHC 2890 (QB); [2021] All ER (D) 46 (Nov)

Cornerstone Telecommunications Infrastructure Ltd v Central Saint Giles General Partner Ltd & Clarion Housing Association Ltd [2019] UKIT 183 (LC)

Luton Community Housing Ltd v Durdana [2020] EWCA Civ 445; [2020] All ER (D) 170 (Mar)

Dove and another v London Borough of Havering [2017] EWCA Civ 156; [2017] 2 P & CR 275

Islington LBC v Salter & Ors (LON/00AU/LSC/2013/0426)

Local Government

Stephanie has frequently advised on and acted in HMO enforcement matters for local authorities, including policy development, appearing in the Magistrates' Court and Crown Court for breach of licence requirements and management regulations and in the Tribunal in relation to appeals against Civil Penalty Notices.

Stephanie also has experience of prosecuting breach of bylaws (successfully appearing in the Crown Court on appeal) and representing local authorities at coroner's inquests.

She has recently advised a local authority on secured debt enforcement procedures including the impact of insolvency.

Public Access

Stephanie accepts work on a Public Access basis.

Direct Access

- Yes

Memberships

- Housing Law Practitioners' Association
- Property Bar Association
- Social Housing Law Association

Areas of Expertise

- Administrative Public Law
- Homelessness
- Housing
- Local Government
- Property