

## Matthew Feldman

Call 1995

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### Introduction

Matthew Feldman was called to the Bar in 1995 and offers wide-ranging commercial, property and housing expertise. He acts for businesses, housing associations, lenders, local authorities and private individuals in all English courts, including the Supreme Court.

He is a founder member of the Social Housing Law Association and is well-known for the training sessions he presents on housing law developments, homelessness legislation and legal procedure.

Whether you require advice on a particular legal point or representation in a major dispute, Matthew has the deep sector knowledge and experience to help.

### General Commercial Litigation

Matthew has wide-ranging commercial litigation experience with particular emphasis on agency disputes, consumer credit, enforcement of judgments, misrepresentation, partnership disputes, sale of goods and services, undue influence/duress, and interim relief applications. With regard to the last of these, he has been involved in some notable cases involving freezing and other injunctions.

### Real Property and Development

Matthew is well-versed in the complexities of real property and development. He has a successful case record in fields such as adverse possession, boundary disputes, easements and covenants, Land Registry disputes, mortgages, trusts of land and building disputes.

### Selected cases

GBQ Investments Ltd v (1) Mortgage Express, (2) NRAM Limited [2018] EWHC 2536 (Ch). A case concerning the equity of redemption in relation to a portfolio of mortgaged properties.

*Parkes v Wilkes* [2017] EWHC 1556 (Ch). A High Court appeal in a case concerning the intention of the parties behind the purchase of the freehold interest pursuant to the collective enfranchisement provisions under the Leasehold Reform, Housing and Urban Development Act 1993.

*Patel v Singh & Anor* [2009] EWHC 2980 (Fam). A successful claim under the Trusts of Land and Appointment of Trustees Act 1996 lasting more than three weeks in the High Court.

## Housing

Matthew enjoys a high profile in Housing Law, as a founder member of the Social Housing Law Association, thought leader and in-demand barrister covering all areas of housing law.

He acts for local authorities, registered providers and tenants of all types and handles a varied caseload encompassing: possession; nuisance and anti-social behaviour; unlawful eviction and harassment; disrepair; succession; deposits; Right to Buy; homelessness; allocations; Equality Act; EPA 1990 matters.

### Selected cases

*R (Bukartyk) v Welwyn Hatfield BC* [2019] 3480 (Admin). A successful claim for judicial review to quash the Council's decision to refuse to accept a fresh homelessness application under Part VII of the Housing Act 1996.

*Yemshaw v Hounslow LBC* [2011] UKSC 3. The Supreme Court held that the term 'domestic violence' in section 177(1) of the Housing Act 1996 included physical violence, threatening or intimidating behaviour and any other form of abuse which, directly or indirectly, might give rise to the risk of harm.

*Yemshaw v Hounslow LBC* [2009] EWCA Civ 1543. The meaning of 'domestic violence' in section 177(1) of the Housing Act 1996.

*R (McGarrett) v Kingston Crown Court* [2009] EWHC 1776 (Admin). The Divisional Court held that the purpose of an ASBO was not to punish, and the terms of the order had to be proportionate to the risk to be guarded against. Further, the order had to be both necessary and justified.

*Vesely v David Levy & Others* [2007] EWCA Civ 367; [2008] L & TR 9. Whether a fixed contribution towards joint household expenditure was capable of amounting to rent, and whether the purpose of the arrangement between the parties and the surrounding circumstances gave rise to the inference that there was an intention to create a landlord and tenant relationship between the parties.

*London & Quadrant Housing Trust v Ansell* [2007] EWCA Civ 326; [2007] HLR 37. Part of the 'tolerated trespasser' litigation. Leave to appeal to the House of Lords was granted to the Appellant, and the case was settled on favourable terms shortly before the final hearing.

*Ross v Hyde Housing Association* [2004] EWHC 824 (Ch). An application/appeal in the High Court dealing with the suspension of a warrant.

*R (Yumsak) v Enfield LBC* [2003] HLR 1. A successful challenge to the suitability of temporary accommodation offered to the Claimant pursuant to Part VII of the Housing Act 1996.

## Landlord and Tenant

Matthew combines his commercial and property expertise to provide highly effective representation in business tenancy renewal negotiations and disputes, which are often crucial to a client's continued success.

He also acts for tenants and landlords in forfeiture/possession proceedings, dilapidation/disrepair disputes and service charge disputes, including more complex matters heard in the High Court.

### Selected cases

Vesely v David Levy & Others [2007] EWCA Civ 367; [2008] L & TR 9. Whether a fixed contribution towards joint household expenditure was capable of amounting to rent, and whether the purpose of the arrangement between the parties and the surrounding circumstances gave rise to the inference that there was an intention to create a landlord and tenant relationship between the parties.

Parkes v Wilkes [2017] EWHC 1556 (Ch). A High Court appeal in a case concerning the intention of the parties behind the purchase of the freehold interest pursuant to the collective enfranchisement provisions under the Leasehold Reform, Housing and Urban Development Act 1993.

## Leasehold Enfranchisement

Matthew acts for landlords and leaseholders in claims for new leases and enfranchisement under the Leasehold Reform, Housing and Urban Development Act 1993, including disputes as to premium and the terms of new leases, and the rights of landlords following enfranchisement.

### Selected cases

Parkes v Wilkes [2017] EWHC 1556 (Ch). A High Court appeal in a case concerning the intention of the parties behind the purchase of the freehold interest pursuant to the collective enfranchisement provisions under the 1993 Act.

## Wills and Trusts disputes

Matthew has experience in trusts, Wills and probate. He acts for executors, administrators and beneficiaries in both contentious and non-contentious matters in the High Court and the County Court.

### Selected cases

Patel v Singh & Anor [2009] EWHC 2980 (Fam). A successful claim under the Trusts of Land and Appointment of Trustees Act 1996 lasting more than three weeks in the High Court.

## Accreditations

- *“Matthew has experience in all aspects of property work, whether commercial or residential. He is equally experienced in general contractual disputes, and mental health work”*

## Professional memberships

- Property Bar Association (PBA)
- Constitutional & Administrative Law Bar Association (ALBA)
- Chancery Bar Association (CHBA)
- ACI Arb
- The Surrey County Agricultural Society Advisory Board

## Selected cases

- *R (Bukartyk) v Welwyn Hatfield BC* [2019] EWHC 3480 (Admin) a successful claim for judicial review to quash the Council’s decision to refuse to accept a fresh homelessness application under Part VII of the Housing Act 1996.
- *GBQ Investments Ltd v (1)Mortgage Express, (2) NRAM Limited* [2018] EWHC 2536 (Ch). A case concerning the equity of redemption in relation to a portfolio of mortgaged properties.
- *Parkes v Wilkes* [2017] EWHC 1556 (Ch)  
A High Court appeal in a case concerning the intention of the parties behind the purchase of the freehold interest pursuant to the collective enfranchisement provisions under the Leasehold Reform, Housing and Urban Development Act 1993.
- *Chubb & Bruce v Dean & Anr* [2013] EWHC 1282 (Ch)  
An application for an order for sale in a mortgage case dealing with (i) the applicable rate of interest due, (ii) whether matters gave rise to an ‘unfair relationship’ between the parties under s140B of the Consumer Credit Act 1974, and (iii) appropriation.
- *Yemshaw v Hounslow LBC* [2011] UKSC 3  
The Supreme Court held that the term ‘domestic violence’ in section 177(1) of the Housing Act 1996 included physical violence, threatening or intimidating behaviour and any other form of abuse which, directly or indirectly, might give rise to the risk of harm.
- *Yemshaw v Hounslow LBC* [2009] EWCA Civ 1543  
The meaning of ‘domestic violence’ in section 177(1) of the Housing Act 1996.
- *Patel v Singh & Anor* [2009] EWHC 2980 (Fam) A successful claim under the Trusts of Land and Appointment of Trustees Act 1996 lasting for more than three weeks in the High Court.
- *R (McGarrett) v Kingston Crown Court* [2009] EWHC 1776 (Admin)  
The Divisional Court held that the purpose of an ASBO was not to punish, and the terms of the order had to be proportionate to the risk to be guarded against. Further, the order had to be both necessary and justified.
- *Vesely v David Levy & Others* [2007] EWCA Civ 367; [2008] L & TR 9 Whether a fixed contribution towards joint household expenditure was capable of amounting to rent, and whether the purpose of the arrangement between the parties and the surrounding circumstances gave rise to the inference that there

was an intention to create a landlord and tenant relationship between the parties.

- London & Quadrant Housing Trust v Ansell [2007] EWCA Civ 326; (2007) HLR 37  
Part of the 'tolerated trespasser' litigation. Leave to appeal to the House of Lords was granted to the Appellant, and the case was settled on favourable terms shortly before the final hearing.
- Ross v Hyde Housing Association [2004] EWHC 824 (Ch).  
An application/appeal in the High Court dealing with the suspension of a warrant.
- R (Yumsak) v Enfield LBC [2003] HLR 1.  
A successful challenge to the suitability of temporary accommodation offered to the Claimant pursuant to Part VII of the Housing Act 1996

## Publications

- Legal Action, October 2015, Autunes v Smith and Right Move Lettings & Property Management Services Limited
- '*Clear Intentions*' – a discussion of the impact of Jones v Kernott in cases where there is an express declaration of beneficial interests, Family Law Journal, March 2012
- Legal Action, September 2012, Oyzen v Bell-Gam

## Education

- BA Joint Hons French/Italian (Manchester)
- Dip. Law (University of Westminster)