Housing: recent developments

Two major new parliamentary bills, plus key decisions on service charges, contempt and homelessness. Jan Luba QC and Nic Madge provide their monthly round-up.

Jan Luba QC

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Politics and legislation

Housing and Planning Bill

This UK government bill was announced in the Queen's speech on 28 May 2015 and was printed on 13 October 2015, together with explanatory notes.

Key provisions address:

- rogue landlords and letting agents in England (Pt 2);
- abandoned tenancies (Pt 3);
- right to buy and housing associations (Pt 4, Ch 1);
- disposing of high-value council housing (Pt 4, Ch 2); and
- increased rents for high-income social housing tenants (Pt 4, Ch 4).

The commons second reading has been scheduled for 2 November 2015.

Immigration Bill

This UK government bill was announced in the Queen's speech on 28 May 2015 and was printed on 17 September 2015. Clauses 12–15 are directed to residential tenancies. They would create four new offences intended to target those landlords and letting agents who fail to comply with the right-to-rent scheme by letting to tenants subject to immigration restrictions or who fail to evict tenants whom they know (or have reasonable cause to believe) are disqualified from renting as a result of their immigration status. Further clauses contain provisions to reform accommodation and support arrangements for certain categories of migrant.

The available documents include:

- the bill;
- explanatory notes on clauses; and
- an overarching impact assessment.

The commons second reading took place on 13 October 2015 and the bill will now be subject to scrutiny in a public bill committee.

The current right-to-rent provisions contained in the Immigration Act 2014 are the subject of a recent briefing note from the House of Commons Library: *Private landlords: duty to carry out immigration checks* (Briefing Paper No SN07025, 21 September 2015). The charity Joint Council for the Welfare of Immigrants has co-ordinated an independent evaluation of the piloting of the right-to-rent provisions across the West Midlands and published the report of its findings: *No Passport Equals No Home: An independent evaluation of the 'Right to Rent' scheme* (JCWI, 3 September 2015).

New possession notice

A new prescribed form of notice has been issued for landlords seeking to recover possession on a no-fault basis from assured shorthold tenants with tenancies granted on or after 1 October 2015. Any notice given to such a tenant under Housing Act 1988 s21 must be in the form prescribed by the Assured Shorthold Tenancy Notices and Prescribed Requirements (England) (Amendment) Regulations 2015 SI No 1725.

Retaliatory eviction

The provisions of the Deregulation Act 2015 designed to tackle retaliatory eviction came into force in England on 1 October 2015. On that date, the UK government published new guidance describing the measures: *Retaliatory Eviction and the Deregulation Act 2015: A guidance note on the changes coming into force on 1 October 2015* (DCLG, October 2015).

Information for new private sector tenants

Private landlords are required to give all their new tenants taking up tenancies after 1 October 2015 a copy of the updated UK government leaflet, *How to rent: the checklist for renting in England* (DCLG, October 2015). The requirement is contained in Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015 SI No 1646 reg 3(2).

Regulating letting agents

The UK government has told the House of Commons Select Committee on Communities and Local Government that it 'has no plans to further regulate the private rented sector by banning letting agent fees in England, as this would only reduce the numbers of properties available to rent which would not help tenants or landlords': *Second Special Report – Private rented sector: the evidence from banning letting agents' fees in Scotland: Government Response to the Committee's Eighth Report of Session 2014–15* (HC 434, 15 September 2015).

Good practice in private sector housing

The Property Ombudsman (TPO) has issued new codes of practice that came into effect from 1 October 2015 for members of the TPO scheme. They have been approved by the Chartered Trading Standards Institute. The codes of practice are to be followed by TPO members when a property is located in England, Wales or Northern Ireland. They are:

- the *TPO Code of Practice for Residential Letting Agents*; and
- the *TPO Code of Practice for Residential Estate Agents*.

Council and housing association rents

The UK government has published an impact assessment of its proposed reductions to social housing rents in England that are presently being considered by parliament in the Welfare Reform and Work Bill: *Welfare Reform and Work Bill: Impact Assessment of Social Rent Reductions* (DWP/DCLG, 28 September 2015).

Homelessness in England

The latest quarterly official statistics on homelessness applications to local authorities in England have been published: *Statutory Homelessness: April to June Quarter 2015 England* (DCLG, 24 September 2015). They indicate:

- 13,850 households were accepted between 1 April and 30 June 2015, which is 5 per cent higher than during the same quarter of 2014;
- on 30 June 2015 there were 66,980 households in temporary accommodation, 12 per cent higher than at the same date in 2014;
- the number of households in temporary accommodation with shared facilities (bed and breakfast accommodation or hostels/women's refuges) increased by 14 per cent compared to the same date a year earlier; and
- 830 households had been in bed and breakfast-style accommodation for more than six weeks (40 of which were pending review), an increase of 36 per cent since the end of the same quarter last year.

The House of Commons Library has produced a summary of the key homelessness indicators for England based on these and earlier figures: *Homelessness* (Briefing Paper No SN02646, 29 September 2015).

Possession claims

The latest Civil Justice statistics for

England and Wales have been published: *Civil Justice Statistics Quarterly, England and Wales (Incorporating Privacy Injunction Statistics January to June 2015) April to June 2015* (MoJ Statistics bulletin, 3 September 2015). They indicate that tenants and mortgage borrowers have legal representation in only 14 per cent of landlord and mortgage lender possession claims.

Hoarding by social housing tenants

A new guide has been published for social landlords on how to address the issue of hoarding by tenants of social housing: *How to tackle hoarding* (Chartered Institute of Housing, October 2015).

Tenants working from home

The provisions of Small Business, Enterprise and Employment Act 2015 ss35 and 36 have been brought into force for tenancies entered into after 1 October 2015. The provisions exclude home businesses from the security of tenure given to tenants of premises that are occupied for business purposes under the Landlord and Tenant Act 1954. This is intended to make it easier for residential tenants to be allowed business use of premises in a tenancy agreement, and for landlords to recover possession of the premises at the end of such a tenancy. The two commencement orders are:

- the Small Business, Enterprise and Employment Act 2015 (Commencement No 2 and Transitional Provisions) Regulations 2015 SI No 1689; and
- the Small Business, Enterprise and Employment Act 2015 (Commencement No 1) (Wales) Regulations 2015 SI No 1710.

Case law

Human rights

Article 1 of Protocol No 1

- **Zammit and Attard Cassar v Malta**
  [2015] ECHR 751,
  Application No 1046/12,
  30 July 2015

The applicants owned, in equal shares, a property that was used as a storage facility for a nearby shop. It was leased to a company for 185 Maltese lira (equivalent to €431) every six months. The applicants sought to increase the rent. However, two court-appointed architects concluded that the rent was already more than 40 per cent over and above the rent level at which the premises were or could have been leased before 4 August 1914. Reletting of Urban Property (Regulation) Ordinance art 4(1)(b) accordingly provided for a cap on rent levels that had to be applied by the Rent Regulation Board. It followed that the rent could not be increased. The applicants complained under art 1 of Protocol No 1 to the European Convention on Human Rights that the law did not allow them to seek an increase in rent to reflect market values, and so made them bear an excessive burden which could not be justified by any legitimate interest. Under art 6, they complained that they did not have an effective remedy.

The European Court of Human Rights reiterated that in order for an interference to be compatible with art 1 of Protocol No 1 it must be lawful, be in the general interest and be proportionate. It must strike a 'fair balance' between the demands of the general interest of the community and the requirements of the protection of individuals' fundamental rights. The court considered that the rent-control regulations and their application constituted an interference with the applicants' right (as landlords) to use their property. Notwithstanding the margin of appreciation allowed to a state in choosing the form and deciding on the extent of control over the use of property in such cases, the court found that, having regard to the relatively low rental value of the premises and the lack of procedural safeguards in the application of the law, a disproportionate and excessive burden was imposed on the applicants, who had to bear a significant part of the social and financial costs of supporting a commercial enterprise. It followed that the Maltese state had failed to strike the requisite fair balance between the general interests of the community and the protection of the applicants' right to the enjoyment of their property. There was, accordingly, a breach of art 1 of Protocol No 1. The court awarded €40,000 in respect of pecuniary damage.

Long leases

Service charges

- **Ingram v Church Commissioners for England**
  [2015] UKUT 495 (LC),
  15 September 2015

Janine Ingram was the long lessee of a flat. In the First-tier Tribunal, relying on Landlord and Tenant Act 1985 s27A, she challenged the inclusion of VAT in the service charges. The FTT rejected that challenge and held that the relevant items were recoverable. She appealed.

HHJ Robinson, sitting in the Upper Tribunal, dismissed the appeal. She summarised the position as follows (at para 44):

(1) Mandatory service charges paid by a residential occupier to a landlord which are in the nature of rent, being directly related to the tenant's right of occupation, are exempt from VAT by virtue of [Value Added Tax Act 1994 s31 and Sch 9 Pt II Group 1] ...

(2) Mandatory service charges paid by a residential occupier which are not in the nature of rent because they are owed to a person who does not supply any accommodation fall within the Concession [an HMRC concession, referred to in HMRC Business Brief 3/94] and are therefore exempt from VAT provided they are paid 'towards the upkeep of the dwellings or block of flats in which they reside and towards the provision of a warden, caretakers and people performing a similar function for those occupants' but not otherwise.

(3) The Concession does not apply to optional services supplied by a landlord, managing agent or anyone else to a residential occupier.

(4) The Concession does not apply to any charges paid by the landlord (or other person levying the service charge) to third parties for the supply of services even though the cost of those services is passed on to a residential occupier through a service charge.

- **Cowling v Worcester Community Housing Limited**
  [2015] UKUT 496 (LC),
  14 September 2015

Gertrude Cowling was an assured tenant. Her lease contained service charge provisions enabling Worcester, her landlord, to recover the costs of providing a television aerial. The service charge was a variable 'service charge' within the meaning of LTA 1985 s18. Worcester issued a county court claim seeking, among other things, a money judgment for arrears of service charges. District Judge Khan held that the charges were contractually due and entered judgment for £511.51. He did not consider the issue of reasonableness, believing that Cowling could issue separate proceedings in the FTT to have that issue determined. She issued a new claim in the FTT to challenge the reasonableness of the charges. The FTT determined that it had no jurisdiction to entertain the application to challenge the reasonableness of the service charges because that had been determined by the county court.

HHJ Gerald, sitting in the UT, dismissed an appeal. He held that the money order or judgment remained extant. It not only resolved the question of liability but also of the amount that must be paid and by whom, and the question of jurisdiction. No sensible distinction could be made between liability to pay and the amount payable. As matters stood, the county court had determined that it was not a 'service charge' within LTA 1985 s18. It followed that the FTT had no jurisdiction by virtue of LTA 1985 s27A(1) and (4)(c).

- **Elysian Fields Management Company Limited v Nixon and Nixon; Imperial Buildings Management Company Limited v Nixon**
  [2015] UKUT 427 (LC),
  6 August 2015

Elysian Fields was a single block of 105 luxury self-contained apartments on seven floors. The ground floor consisted of a restaurant. John Nixon was a long lessee. His lease provided that he pay, as a service charge, a reasonable proportion of the total costs, charges and expenses incurred by the management company in performing its obligations. The lease also provided that the management company should keep proper books of account and that accounts should be prepared and audited by a competent chartered accountant, who should certify the total amount of costs and expenses. From time to time, the management company sent statements to Nixon. Although the accounts supplied did give a breakdown of the costs and contained a certificate from a chartered certified accountant, the certificate made it clear that the accountant had not carried out an audit. They did not comply with the requirements of the lease. The management company sued for arrears of service charges. The claim was transferred to the FTT for it to reach a decision as to the reasonableness of the service charges. The FTT decided that no service charge was payable because the management company's obligation to serve a certificate in accordance with the terms of the lease was a condition precedent to any liability to make payment for the service charge.

HHJ Behrens, sitting in the UT, allowed an appeal. He found that the facts in *Redrow Homes and others v Hothi and others* [2011] UKUT 268 (LC), 7 July 2011 and *Pendra Loweth Management v North and another* [2015] UKUT 91 (LC), 19 March 2015 were indistinguishable from those in this case. It followed that the FTT was wrong to assess the service charges at nil. Its interpretation was not in accordance with the lease, which clearly provided for payment based on a determination of the amount estimated due by the management company. There was nothing in the lease that required the provision of audited accounts and there was no reason to imply such a term. The case

was referred back to a differently constituted FTT to determine the amount payable.

Trespassers

Possession claims

- **Hampson v Orchid Runnymede Ltd** High Court (Queen's Bench Division), 11 September 2015

The defendants were members of an eco-village and were squatting on a private landowner's property. In a possession claim, the only live issue was their human rights defence based on ECHR art 8. Even though the defendants had been unable to obtain legal aid, a recorder dealt with the case summarily rather than by trial. He made a possession order.

In dismissing an appeal, Simler J held that the recorder had used the correct test of a strongly arguable defence rather than a test of exceptionality. The recorder had not erred in citing *Birmingham CC v Lloyd* [2012] EWCA Civ 969, 4 July 2012; [2012] HLR 44. To have a seriously arguable defence, the defendants needed exceptional facts or circumstances to justify a trial. There was no arguable ground in support of permission to appeal and, in any event, on the substance of the appeal there had been no misdirection in law or error by the recorder. All his conclusions had been open to him.

Adverse possession

- **Heaney v Kirkby** [2015] UKUT 178 (TCC), 10 April 2015

A FTT judge found that a home owner had established 12 years' adverse possession of a grass verge by clearing vegetation, installing a drainage system under it and incorporating it into her landscaped garden.

HHJ Kaye QC dismissed an appeal by a neighbour. The FTT judge's conclusions were supported by and justified on the evidence before him and the findings he had made.

Contempt

- **Circle Housing Old Ford v Robinson and Murphy** Romford County Court, 16 April 2015

John Murphy was subject to an injunction forbidding him from using violence against, or threatening to use violence against any neighbour. He later banged on the front door of a neighbour's flat, saying: 'I am coming for you. Your time is coming.' When the door was opened he said: 'My mates are going to get you. I am going to get you. Watch your back.' On an admission and apology, and having spent three days in custody, District Judge Dodsworth sentenced him to 28 days' imprisonment, suspended for 12 months.

Claire Robinson was found to be in contempt of an injunction expressed in the same terms. She had initially denied breach. The first incident involved her punching a neighbour in the face, digging her nails into his neck and scratching him. She had committed the second breach while facing committal for the first. Following five nights in custody, District Judge Dodsworth sentenced her to 14 days' further immediate imprisonment.

- **Guinness Partnership v Gardener** Gloucester and Cheltenham County Court, 24 April 2015; [2015] EW Misc B16 (CC), Gloucester and Cheltenham County Court, 9 June 2015; [2015] EW Misc B21 (CC), Gloucester and Cheltenham County Court, 7 July 2015

The defendant was made subject to an injunction ordering her not to cause nuisance or annoyance, or threaten or engage in conduct capable of causing nuisance or annoyance, or to cause noise nuisance so that it could be heard outside the property by banging, shouting, singing and playing loud music and slamming doors. Five days later, she created so much noise that, when a neighbour dialled 999, the noise was clearly heard by the police. The defendant was arrested and produced in court. She explained that she had not realised she was shouting and causing a nuisance because she had drunk eight cans of alcohol. District Judge Davis sentenced her to 28 days' immediate imprisonment. On a second breach, she was sentenced to eight weeks in prison.

Within 24 hours of her release from custody there was a catalogue of further similar breaches of the order. District Judge Davis sentenced her to 10 weeks in prison.

- **Severn Vale Housing v Baillie** [2015] EW Misc B19 (CC), Gloucester and Cheltenham County Court, 23 June 2015

After 'a catalogue of alcohol-fuelled misbehaviour which had caused significant distress and unhappiness to those around [the defendant], professionals assisting ... and working with [her]', a judge granted an injunction. The defendant admitted that, in breach of the injunction, she had a man in the property and was drunk. One of her neighbours described her behaviour as 'disgusting' and causing a nuisance.

District Judge Davis described her as 'being a very pleasant woman but when you are drinking things are completely different. Your life spirals out of control ... ' She stated that the breaches justified a custodial sentence of eight weeks, but, because her 'circumstances [were] exceptionally difficult' and she was 'clearly a troubled woman', decided to suspend the sentence for one year.

- **RCT Homes v Lewis** [2015] EW Misc B5 (CC), Pontypridd County Court, 8 May 2015

Andrew Lewis was subject to an injunction prohibiting him from causing anti-social behaviour. In breach of the order, and while intoxicated, he used foul and abusive language and caused a female to believe that he would sexually assault her. On the landlord's application to commit him for contempt, he failed to attend.

District Judge Doel sentenced him in his absence to six months' imprisonment. The judge directed that he be produced on arrest. On his production, the defendant apologised for his failure to attend and for his breach of the order. His sentence was reduced to four months. He was unrepresented because he had had difficulties obtaining legal aid.

- **Cardiff County Council v Williams** Cardiff County Court, 18 June 2015

In 2012, on a police raid of a council home, 36 cannabis plants were seized from a tenant together with associated growing equipment. He asserted personal use of the cannabis and was cautioned by the police, rather than prosecuted. In April 2013, the council was granted a possession order suspended until April 2015, conditional on the tenant abiding by all of the terms of the tenancy agreement, not just those that related to drugs. In November 2014, the council was granted an anti-social behaviour injunction. Later, it applied to commit for breach and the tenant applied to suspend a warrant for possession.

The judge found that the tenant had anger management issues but was not 'disabled'. In breach of the injunction (and the tenancy), he had committed nuisance and annoyance. The suspension of the warrant was refused and a suspended committal order made (21 days' imprisonment).

- **Birmingham City Council v Khatoon** [2015] EW Misc B13 (CC), Birmingham County Court, 5 June 2015

In January 2015, the council secured an injunction prohibiting anti-social behaviour by the defendant and excluding her from two named roads in the city. There were repeated breaches, culminating in committal to prison from which sentence the defendant was released on 14 May 2014. On the same day, she went into one of the named streets and repeated the breach on two further occasions. She said she had gone to visit her mother.

District Judge Davies imposed a sentence of 35 weeks' immediate imprisonment.

- **Equity Housing Group v Wade** Stockport County Court, 4 June 2015

Keith Wade was made subject to an injunction order on 30 March 2015. It was breached on 2 April and 4 April. On 7 April he was sent to prison for 28 days. He breached the order again on 20 April and was sent to prison for 12 weeks. After release, he breached the injunction again on 2 and 3 June.

District Judge Horan sentenced him to 16 weeks' immediate imprisonment.

- **Gloucester City Council v Canavan** Gloucester County Court, 1 June 2015

An anti-social behaviour order was made against the defendant. The terms were that he was not to engage in conduct that caused or was capable of causing nuisance or annoyance to other residents in his block of flats. Following two admitted breaches of the order, involving the emission of cannabis smoke and other smells from his flat, District Judge Singleton imposed a suspended 28-day prison sentence.

- **Gloucester City Council v Birch, Beard, Edwards, Birch and Birch** [2015] EW Misc B11 (CC), Gloucester County Court, 4 June 2015

Anti-social behaviour injunctions had been granted to control the behaviour of the defendants. All the defendants later breached the injunctions, causing varying degrees of nuisance. One defendant admitted 22 breaches.

District Judge Davis sentenced them to terms of imprisonment ranging from 12 weeks' immediate imprisonment to suspended sentences.

- **Cardiff Council v Litchfield** [2015] EW Misc B17 (CC), Cardiff County Court, 26 May 2015

The defendant was a council tenant. An order had been granted to restrain his anti-social behaviour.

On an admitted breach, HHJ Jarman QC sentenced him to 28 days' imprisonment, suspended for six months.

Housing allocation

- **R (HA) v Ealing LBC**
  [2015] EWHC 2375 (Admin),
  7 August 2015

The council has lodged an application for permission to appeal to the Court of Appeal (C1/2015/2844) against this decision, which was digested in October 2015 *Legal Action* 41. The application will initially be determined on the papers.

- **Complaint against Croydon LBC**
  Local Government Ombudsman
  Complaint No 14 005 648,
  7 April 2015 (published 8 July 2015)

The complainant was a vulnerable single adult. He applied to the council for homelessness assistance in March 2010. It placed him in temporary accommodation pursuant to its duties under HA 1996 Pt 7. It did not put him on its social housing allocation register, as it should have done, but simply closed his case. He was still in the temporary accommodation three years later. In October 2013, the council gave different explanations for what had happened and why he had not been considered under the allocation scheme.

In response to the ombudsman's investigation, the council said that when the application was reopened in 2013, it exercised discretion and retrospectively awarded an effective application date of March 2010 under its social housing allocation scheme as it was not immediately clear why the application had earlier been closed.

The council agreed to pay the complainant £500 for the time and trouble he had been put to in an attempt to clarify the misinformation that had been provided to him. The ombudsman considered that a sufficient remedy.

Homelessness

Applications

- **Complaint against Waltham Forest LBC**
  Local Government Ombudsman
  Complaint No 14 018 676,
  18 June 2015 (published 23 September 2015)

The complainant was due to be evicted from his privately rented accommodation. He applied to the council for homelessness assistance. He was interviewed and a homelessness application was taken. His case was referred to the medical assessment team, which decided that, although he had some health issues, he had no medical priority. A housing officer telephoned the complainant to explain that the decision on his homelessness application had been made and he had been found not to be in priority need. The decision was not put in writing.

The ombudsman found that the council was at fault in failing to issue a formal written decision on the homelessness application as it was obliged to do by law: HA 1996 s184. On being made aware of its error, the council had issued the formal decision letter and notified the appropriate review rights.

The ombudsman decided there had not been any significant injustice as a result of the council's delay in sending out the formal decision letter (the council did not owe a duty to rehouse). The council acknowledged and apologised for its error, and its staff have been reminded of the need to ensure decision letters are issued and that its records are kept up to date.

- **Complaint against Islington LBC**
  Local Government Ombudsman
  Complaint No 14 013 781,
  8 June 2015 (published 9 September 2015)

On 21 August 2012, the complainant applied to the council for homelessness assistance (HA 1996 Pt 7) and the council placed her and her daughter in temporary accommodation (HA 1996 s188). The council then delayed dealing with the homeless application at all until May 2013. It seems that this was because the council did not progress the application after an officer left its employment. It was then that a manager noticed it as a case that needed action. On 9 August 2013, about a year after the application date, the council decided that the complainant was homeless, in priority need, but had become homeless intentionally.

The ombudsman found that the delay in the council's decision-making had been wrong. However, it had meant that the complainant and her daughter spent longer in the temporary accommodation than would have been the case if there had not been a delay and an adverse decision had been reached earlier. There was not enough injustice flowing from the council's fault to warrant a remedy.

Interim accommodation

- **R (Brooks) v Islington LBC**
  [2015] EWHC 2657 (Admin),
  22 September 2015

The claimant was evicted from her housing association property for arrears of rent. She applied to Islington for homelessness assistance under HA 1996 Pt 7. It opened enquiries into her application (HA 1996 s183) and provided her with interim accommodation (s188) pending their outcome. Initially, the only accommodation that the council could secure was temporary accommodation at a hotel. The claimant and her two daughters were accommodated at a hotel in Barking between 2 and 7 April 2015, a hotel in Romford on 8 and 9 April 2015, and a hotel in Enfield between 10 and 13 April 2015. All the accommodation supplied was therefore out of borough, notwithstanding the restriction in HA 1996 s208. The hotel accommodation was seen as a short-term expedient and the council continued to search for temporary accommodation for the family pending the outcome of its enquiries. The council then offered accommodation in a three-bedroom house in Bexley, south London. The claimant refused the accommodation on the grounds that it was not suitable as it was too far from Islington. The council decided that the offer had been suitable and that its duty to provide interim accommodation under s188 had been brought to an end by the refusal.

The claimant sought a judicial review, contending that the duty continued until notification of a decision on the homelessness application.

The claim failed. A council was not obliged to keep accommodation available until it notified an applicant of a decision on a homelessness application if such accommodation had been refused. Lewis J said (at para 47):

On the proper interpretation of [section] 188 of the Act, a distinction is to be drawn between the existence of the duty and the steps required to perform that duty. The duty will continue to exist until the housing authority notify the applicant of their decision as to whether or not a duty is owed under another provision in Part VII of the Act. The housing authority will have performed their duty under section 188 of the Act if they have secured an offer of suitable accommodation intended to be available until notification of their decision as to whether a duty is owed, subject to any material change of circumstances which means that the offer is no longer suitable. If the housing authority have secured an offer of suitable accommodation, then, ordinarily, they will have performed their statutory duty under section 188 of the Act. If the applicant refuses the offer of suitable accommodation, the authority cannot be required to take further steps to provide alternative accommodation unless there is a subsequent material change of circumstances which renders the accommodation no longer suitable.

Jan Luba QC is a barrister at Garden Court Chambers, London, and a recorder. Nic Madge is a circuit judge. They would like to hear of relevant housing cases in the higher or lower courts.