

Elizabeth Dwomoh

Elizabeth is an established property and commercial practitioner with particular expertise in the fields of employment, housing, commercial and residential landlord and tenant law. She is also the author of “A Practical Guide to the Ending of Assured Shorthold Tenancies” published by Law Brief Publishing.

As an experienced advocate, Elizabeth combines sound business acumen with a practical and forensic approach to her trial advocacy and advisory work. Professional and lay clients alike find her to be an approachable, efficient and commercial problem solver.

Elizabeth also accepts appropriate work under the Bar Public Access Scheme.

Publications

- *A Practical Guide to the Ending of Assured Shorthold Tenancies*, published by Law Brief Publishing in July 2018
- *Importance of parties obtaining notice of reallocation to track (Francois v Barclays Bank Plc)* – Lexis PSL (04.04.2018)
- *What do home businesses mean for landlords?* – Solicitors Journal S.J. (2015) Vol.156 No.40 Supp Property Focus page 15, co-authored with Richard Hayes
- *Protected Status* – Estates Gazette E.G. (2015) No.1507 pages 82 – 83
- RICS Isurv – co-contributor for the section on “service charges”
- Law Brief Update – co-contributor for the section on “property”

Further information

Qualifications

- LLB (Hons), University of Dublin, Trinity College
- Diplôme de Droit Français, Université Panthéon-Assas Paris I
- BVC, Inns of Court School of Law, City University
- Queen Mother Scholarship, Middle Temple
- Blackstone Entrance Exhibition, Middle Temple

Languages



Year of Call: 2005

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- French and Twi

Memberships

- Commercial Bar Association
- Employment Bar Association

Outside interests

- When time permits, Elizabeth enjoys travel, reading and medieval castle restoration.

Property

Housing and residential landlord and tenant

Elizabeth has a broad residential landlord and tenant practice with particular expertise in possession claims, service charge disputes and all aspects of housing law. She also writes articles and provides seminars to clients and pro-bono charities in this area.

Elizabeth is frequently instructed to appear in the High Court, County Court and First-tier Tribunal on behalf of private landlords, social landlords and tenants at trial, on interlocutory applications, including ex parte applications for injunctions. Her expertise encompasses the following:

- Disrepair
- Breach of covenant
- Service charge disputes
- Possession claims (including s.8 Housing Act 1988, s.21 Housing Act 1988, s.83 Housing Act 1985, Notice to Quit and trespass)
- Sham tenancy agreements
- Unlawful evictions
- Anti-social behaviour
- Tenancy deposits under the Housing Act 2004
- Injunctions under the Anti-social Behaviour, Crime and Policing Act 2014
- Homelessness appeals
- Licensing of HMOs
- Rent repayment orders under the Housing and Planning Act 2016

Recent work

- Advising a tenant on their chances of success in a potential claim for unlawful eviction and breach of the tenancy deposit scheme by their former landlord.
- Acting for a landlord in resisting an application for a rent repayment order by their tenant who was an occupant of an HMO.
- Advising and drafting proceedings on behalf of a tenant against his landlord's claim for possession on the basis that the incorrect notice had been served as his purported licence was a sham and he was in fact an assured shorthold tenant.
- Acting for a local authority in successfully defeating a



tenant's challenge on the reasonableness of his service charges during a two day hearing in the First-tier Tribunal, Property Chamber.

- Drafting section 42 notices for leases extension under the Leasehold Reform, Housing and Urban Development Act 1993.
- Acting on behalf of a tenant who was awarded damages of over £20,000 in respect of his claim for unlawful eviction against his landlord.
- Acting for a tenant in successfully discharging an anti-social behaviour injunction and resisting a claim for an outright possession order after a 10 day trial.
- Acting for a local authority in judicial review proceedings following its refusal to accommodate an individual pending a s.202 review into whether she has priority need under the Housing Act 1996 as amended.

Commercial landlord and tenant

Elizabeth practice encompasses all areas of Commercial Landlord and Tenant disputes. She regularly advises in relation to disputes arising under the Landlord and Tenant Act 1954 as well as non-statutory protected commercial tenancies. Her expertise includes:

- Business tenancy renewals under the Landlord and Tenant Act 1954
- Terminal dilapidations
- Breach of covenant
- Break notices
- Forfeiture claims
- Licences

Recent work

- Acting for a leaseholder in negotiations for the grant of express easements over retained land.
- Advising and negotiating a favourable settlement for a commercial landlord in a complicated Landlord and Tenant Act 1954 tenancy renewal case where the tenant had persistently delayed in paying rent and failed to carry out repairs.
- Acting on behalf of a landlord in a case involving extensive terminal dilapidation.
- Acting for a nationwide commercial landlords in complex forfeiture proceedings.
- Acting for a commercial landlord who sought to regain possession of the residential part of a mixed use premises in circumstances where the tenant alleged his tenancy at will had been converted into a statutorily protected periodic tenancy.

Real property

Elizabeth has experience in advising and representing clients in all aspects of Real Property. In particular her expertise includes:



- Easements and rights of way
- Boundaries, restrictive covenants and easements
- Land registration and title disputes
- Trusts of land (including claims under the Trusts of Land and Appointment of Trustees Act 1996)
- Mortgages
- Charging orders and orders for sale

Recent work

- Acting for administrators of a deceased person's estate in claim for a beneficial interest in property owned by the deceased and his brother.
- Acting for mortgagor in successfully resisting a claim for possession by the mortgagee in circumstances where the mortgage arrears could be cleared within a reasonable period.
- Advising and drafting a pre-action letter for a creditor in an application for an order for sale of a multi-million pound property under Trusts of Land and Appointment of Trustees Act 1996.
- Advising a client in her claim for a beneficial interest under a constructive trust in property owned by her child.
- Advising a freeholder in relation to a right of way over neighbouring land.

Commercial

Commercial litigation

Elizabeth is an experienced commercial practitioner with particular experience in insolvency matters, professional negligence and banking guarantees and securities. She also advises and provides seminars to companies on their data protection obligations.

Elizabeth's practice encompasses the following areas:

- Shareholder disputes
- Guarantees
- Directors' duties
- Personal insolvency – IVAs, statutory demands, bankruptcy generally
- Commercial disputes
- Sale and supply of goods and services
- Data protection

Recent work

- Acting for a defendant building contractor and build client in a claim and counterclaim for breach of contract brought by a claimant sub-contractor.
- Acting for a building contractor in a successful claim to recover the build cost of a conservatory in the TCC and defend a substantial counterclaim for breach of contract.
- Acting for a right to manage (RTM) company to



successfully defend a counterclaim brought by a long lessee and shareholder in the RTM company for repayment of a loan which had not been properly assigned.

- Acting for a building contractor in striking out a claim for breach of contract brought by a client.
- Advising an appropriate body of its obligations under the General Data Protection Regulation and the Data Protection Act 2018.
- Representing co-directors in a summary judgment application brought by a bank founded on personal guarantees entered into by the directors to obtain a loan facility for their company. The claim was defended on the basis of misrepresentation as to the extent of the directors' liabilities under the guarantees.

