



Michelle Caney

Year of Call: 2004

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Overview

“She is a powerful advocate who goes above and beyond... You get a level of service and quality of work from Michelle that you would expect to receive from a silk at a London set.” Chambers and Partners 2021

Michelle Caney was called to the Bar in 2004 and joined St Ives Chambers in 2005. Michelle is Head of the Business & Property Group.

Michelle is an accomplished business and property practitioner who can be trusted with cases of the utmost complexity.

Michelle also has extensive experience and a national reputation in the field of social housing. She has been consistently recommended in the legal directories since 2010.

Michelle has a reputation for combining meticulous attention to detail with a down-to-earth approach and always fighting hard to achieve her client’s objectives. Michelle is highly regarded as an advocate and has a strong reputation both in and out of the courtroom.

Practice Areas

Housing

Michelle has a national reputation in the field of social housing. Michelle’s expertise covers the full range of housing litigation, with particular expertise in cases involving issues of human rights, public law defences, mental capacity, disability discrimination and judicial review. Michelle is currently involved in high profile litigation concerning Traveller Injunctions.

In addition to her court work, Michelle regularly advises on matters of policy and strategic issues facing local authorities and registered providers of social housing. Recent instructions include advising on HMOs and planning policy, allocations and succession.

Michelle prides herself on maintaining a client-focused approach at all times.

Michelle’s areas of expertise include:

- Disrepair
- Disability discrimination
- Human rights/public law challenges
- Homelessness and Allocations

- Harassment and unlawful eviction
- Housing policy and strategic issues
- Possession and demotion claims
- Injunction and committals
- Right to buy and succession
- Judicial review

Notable Cases

London Borough of Barking and Dagenham and Others v Persons Unknown [2022] EWCA Civ 13

Landmark decision in the Court of Appeal concerning the scope of the court's jurisdiction to grant injunctions against Persons Unknown. Michelle acted on behalf of one of the successful appellants, Wolverhampton City Council.

Dudley Metropolitan Borough Council v. Mailley [2020] (ongoing)

High Court possession claim in which the Defendant is claiming that the succession legislation for secure tenants is incompatible with Article 14 of the European Convention on Human Rights and is seeking a declaration of incompatibility under s. 4 of the Human Rights Act 1998.

Wolverhampton City Council v. Persons Unknown [2020] EWHC 2280 (QB)

At the second review hearing of the injunction granted in favour of Wolverhampton City Council ([2018] EWHC 3777), Michelle successfully persuaded the High Court to continue the 3 year injunction until its expiry. The Judge held that the Council had complied with recent guidance of the Court of Appeal in Bromley LBC v Persons Unknown [2020] EWCA Civ 12.

Black Country Housing Group v Kelly (A Protected Party by his Litigation Friend, The Official Solicitor) [2019] (unreported)

Michelle acted on behalf of the landlord at trial and upon appeal. The case involved a vulnerable tenant with a history of hoarding behaviour causing a serious fire risk. The tenant lacked capacity to litigate and suffered from a disability as defined by the Equality Act 2010.

Wolverhampton City Council v. Persons Unknown [2018] EWHC 3777 (QB)

High profile claim concerning the politically sensitive issue of dealing with unauthorised encampments set up by travellers. At the final hearing in October 2018, Michelle secured a 3 year injunction to protect 60 sites in Wolverhampton, subject to review after 12 months.

Midland Heart Limited v. Grant [2016] (unreported)

High Court appeal concerning the correct application of the refined test set out by the Supreme Court in Akerman-Liverstone v. Aster Communities Limited [2015] UKSC 15.

Wolverhampton City Council v. Shuttleworth [2012] LTL 13/12/2013

Michelle successfully appealed to the High Court on a novel point of law concerning introductory tenancies, following the dismissal of the possession claim at first instance.

Leeds and Yorkshire Housing Association v Vertigan [2010] EWCA Civ 1583

Michelle represented the landlord at trial and appeared as sole counsel in the Court of Appeal. Important case concerning the interplay between undertakings and suspended possession orders. The Court of Appeal upheld the possession order which had been granted at trial.

Business & Property

Michelle is an accomplished business and property practitioner who can be trusted with cases of the utmost complexity. Michelle has extensive experience across the full spectrum of property litigation, including real property, commercial property and landlord and tenant matters. Michelle is adept at handling matters involving issues of fraud and forged documents, and often deals with professional negligence claims involving a property element.

Michelle is particularly sought after for her ability to grapple with niche areas of property law, and is commended for being extremely thorough and detailed in her analysis and advice.

Michelle has a strong reputation and is consistently recommended in the directories, which praise her “superb technical knowledge, confident authoritative manner with clients, and brilliant cross-examination”. Recognised as being an “outstanding and tenacious advocate”, Michelle fights her client’s corner robustly, whilst managing their expectations sensitively.

Michelle’s areas of expertise include:

Property:

- Boundary disputes, easements and adverse possession
- Landlord and Tenant
- Lease renewals, terminations and dilapidations
- Nuisance and trespass claims
- Professional negligence
- Restrictive covenants
- Service charge disputes
- Trusts litigation

Business:

- Commercial contract disputes and rectification claims
- Construction claims, including cladding disputes
- Mortgages and guarantees, banking and finance

Notable Cases

London Borough of Barking and Dagenham and Others v Persons Unknown [2022] EWCA Civ 13

Landmark decision in the Court of Appeal concerning the scope of the court’s jurisdiction to grant injunctions against Persons Unknown. Michelle acted on behalf of one of the successful appellants, Wolverhampton City Council.

Northamber Plc v. (1) Genee World Ltd (In Liquidation) (2) Ranjit Singh (3) Interactive Education Solicitors Ltd [2020] EWHC 31

High Court committal application. A company's sole director was found to have committed two contempts of court where he had willfully failed to take reasonable steps to ensure the company obeyed injunctive orders following its breach of an exclusivity agreement.

Morgan & Morgan v. Wooldridge & Wooldridge [2018] (unreported)

Boundary dispute concerning two residential properties developed in the 1990s. Michelle successfully persuaded the High Court to reject the single joint expert's opinion on the boundary and to find that the true boundary accorded with a historic conveyance plan.

In the Matter of an Application to Register as a Town or Village Green Land known as Rokeby Playing Fields, Rugby, Warwickshire (Application Reference 300/159)

Village Green Inquiry at which Michelle was appointed to act as the Independent Inspector by Warwickshire County Council. A copy of her Inspector's Report can be viewed at: <https://api.warwickshire.gov.uk/documents/WCCC-743-213>.

Shakilal Abdur Rehman & Anor v. Mohammed Ali & Ors [2015] EWHC 4056 (Ch)

Seventeen day trial in the High Court concerning the beneficial ownership of a Mosque, which was alleged to be held on trust for the benefit of the local community. Michelle persuaded the court that no trust existed as alleged and her clients were granted immediate possession.

Dunn v. (1) Katerina Allington T/A Property Pushers and (2) Property Pushers Ltd [2014] (unreported)

Commercial trial in the High Court involving a complex dispute concerning a property development business. Michelle obtained judgment in excess of £740,000 for her client.

Arena Coventry Limited v. Coventry City Football Club Limited [2012] (unreported)

High profile litigation in the High Court involving Coventry City Football Club. Michelle secured an order requiring the Football Club to pay £500,000 into a rent deposit account.

Qualifications

Birmingham University, LLB (Hons) Law.

Nottingham School of Law, BVC.

Memberships

Midland Circuit

Social Housing Law Association

Recommendations

Chambers & Partners 2022: "She is an exceptional barrister with a breadth of knowledge on all aspects of social housing." "She is thorough, and her attention to detail is second to none." "Michelle is diligent and thorough in her advice. She is confident on her feet and well prepared."

Legal 500 2022: "Michelle is one of the best barristers we instruct. She is meticulous in her approach - the go to person in our team for complicated matters. She is very articulate in her advocacy and puts our clients at ease. Michelle is truly exceptional. She is a very gifted lawyer who can make the most complex of issues appear straightforward to the client. "

Chambers and Partners 2021: "She is a powerful advocate who goes above and beyond." "You get a level of service and quality of work from Michelle that you would expect to receive from a silk at a London set." "She is very good with clients and really good with details. She meticulously prepares for matters and will know things inside out."

Legal 500 2021: "Meticulously prepared for every case and is able to formulate clever arguments even when there are limitations in the evidence." "A calm, clear and persuasive advocate, with a very precise and thorough approach to cases."

Chambers & Partners 2020: "She is exceptional - very thorough and approachable."

Legal 500 2019: "An excellent all-rounder." "Has an encyclopaedic knowledge of housing law."

Chambers & Partners 2019: "Very bright and gets on well with clients. She is good at guiding them through the case and is very thorough." "A very good advocate." "Exemplary in terms of client care, trial preparation and advocacy skills." "An exceptional barrister with a breadth of knowledge on all aspects of social housing."

Legal 500 2018: "Exceptionally hardworking and punches well above her year of call." "A go-to property litigator."

Chambers & Partners 2018: "Technically brilliant and thorough. No stone is left unturned. She is meticulous with her preparation." "A superb advocate who is fantastic with witnesses." "She provides comprehensive advice, makes clear points and always addresses all the points put to her." "She is exceptionally hard-working and very clever."

Legal 500 2017: "Beneath her cool, calm exterior is a fiery, formidable opponent." "She makes vulnerable witnesses feel at ease."

Chambers & Partners 2017: "Superb advocate with extremely detailed preparation in trials." "She's forensic in preparation, goes way above and beyond and has an utterly thorough grasp of every detail of the case."

Legal 500 2016: "An excellent advocate, who is well respected by judges."

Chambers & Partners 2016: "Superb technical knowledge, confident authoritative manner with clients, and brilliant cross-examination." "She is incredibly conscientious. Nothing gets past her gaze."

Legal 500 2015: "Her advocacy and cross-examination skills are superb." "She is always incredibly well prepared for conferences and hearings."

Chambers & Partners 2015: "She is an excellent advocate. She doesn't miss anything, and she puts up a very good fight." "She is an absolute professional, is always well prepared and always manages to know how to treat difficult defendants."

Legal 500 2014: "She has wide-ranging commercial and Chancery expertise."

Chambers & Partners 2014: "She is incredibly efficient and extremely organised." "She is exceptionally thorough and knows her stuff inside out." "She listens to her clients carefully and does what they want her to do. She will fight tooth and nail if she feels it is a good case to argue." "Technically she is excellent, but she is also down to earth, which is crucial with social housing."

Chambers & Partners 2013: "Michelle is an outstanding and tenacious advocate respected by judges. She is able to quickly build rapport with clients, witnesses and instructing solicitors."

Legal 500 2012: St Ives Chambers is "an excellent specialist housing set". Michelle Caney is "well prepared, eloquent and persuasive."

Legal 500 2011: St Ives Chambers' leading housing law team includes Michelle Caney, who is "hugely talented", "consistently excellent and utterly reliable", and is praised for her "immaculate preparation."

Legal 500 2010: Michelle Caney, "an incredibly dedicated, hardworking and gifted" junior, is "down to earth, practical and excellent in both court and negotiations."

Awards and Scholarships

Ede & Ravenscroft Prize - Winner, Middle Temple Mooting Competition 2004

Mooting Tour to Malibu - Winner, Middle Temple Mooting Competition 2004

Harmsworth Scholarship - Middle Temple 2004

Blackstones Entrance Exhibition - Middle Temple 2004

Campbell Foster Prize - Middle Temple 2003

Simmons & Simmons Commercial Law Prize - Birmingham University 2003

Mistress of the Moots - Camm Cup Mooting Competition 2002

Further Information

Seminars and Training

Michelle regularly presents seminars and webinars within her areas of expertise. Such talks can be arranged via the clerks and can be presented at the dedicated facilities within chambers or provided remotely in light of Covid-19. CPD approval can be obtained if required.

The recording of a recent webinar presented in collaboration with Trowers & Hamlins Solicitors "Spotlight on Possession Proceedings post 21 September 2020" can be viewed here:

<https://www.trowers.com/insights/2020/november/webinar-spotlight-on-possession-proceedings-post-21-september-2020>

Relevant Articles

[Restrictive Covenants: Ignore at your Peril](#)

[Running out of gas... Housing Update - Section 21 Notices](#)

["Justice Delayed is Justice Denied" - The Covid-19 Effect](#)

[Ground 15A: Possession claim must be issued within time](#)

[Housing allocation schemes: indirect discrimination](#)

[The 'Right to Rent' checks and Human Rights](#)

[Service Charges in Commercial Leases: Key Principles of Construction & Operation](#)

[Permission for warrants of possession?](#)

[Forfeiture: Navigating the Minefield](#)

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