

IN THE COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
MR JUSTICE JOHNSON
[2020] EWHC 311 (QB)

Appeal No. CA-2020-000077

Lord Justice Green
Lord Justice Nugee
Lord Justice Snowden

Monday 20 December 2021

BETWEEN:

METROPOLITAN HOUSING TRUST LIMITED

**Claimant/
Respondent**

- and -

TM
(A protected party, by his litigation friend DM)

**Defendant/
Appellant**

ORDER

UPON hearing Ms K. Monaghan QC and Mr N. Bano for the Appellant, and Mr A. Lane and Mr L. Varnam for the Respondent, at a hearing on 4th November 2021

AND UPON considering the parties' written submissions as to remedy

AND UPON the Court handing down judgment on 20th December 2021

IT IS ORDERED THAT

1. The appeal is allowed.
2. The order of Recorder Hodge Malek QC dated 13th September 2019, and the order of Johnson J dated 31st January 2020, are set aside.
3. The Respondent's claim for possession is dismissed.
4. The Respondent shall pay the Appellant's costs here and below.

5. There shall, if necessary, be a detailed assessment of the costs that are payable to the Appellant by the Lord Chancellor pursuant to the Legal Aid, Sentencing and Punishment of Offenders Act 2012.