

Decisions of Upper Tribunal (Administrative Appeals Chamber) on Housing Benefit and Council Tax Benefit

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(Last updated 29 March 2017)

Case	Date of decision	Legislation in issue	Keywords
<u><i>FK v Wandsworth Borough Council (HB)</i></u> <u>[2016] UKUT 570 (AAC)</u> CH/2227/2016	21/12/2016	Regulation 8(1)(c)(ii) of HB Regulations 2006	Liability, commerciality and contrivance – whether dishonesty in the process of claiming should necessarily mean that it would not be reasonable to treat a claimant as being liable
<u><i>Bristol City Council v JKT (HB)</i></u> <u>[2016] UKUT 517 (AAC)</u> CH/2290/2016	14/11/2016	Regulation 2 of HB Regulations	Liability, commerciality and contrivance – a half-sibling falls within the definition of "close relative"
<u><i>JM v Eastleigh Borough Council (HB)</i></u> <u>[2016] UKUT 464 (AAC)</u> CH/1815/2016	18/10/2016	Regulations 43, 47, 51 & 52 of the Housing Benefit Regulations 2006	Jointly owned property and possibility of forced sale

<p><u>MMcF v Sefton Borough Council (HB)</u> <u>[2016] UKUT 403 (AAC)</u> CH/1286/2016</p>	<p>05/09/2016</p>	<p>Paragraph 4, Schedule 3, Housing Benefit and Council tax Benefit (Consequential Provisions) Regulation 2006</p>	<p>Exempt Accommodation - duplication of services - whether the claimant in 'exempt accommodation' on basis that landlord was providing 'care, support or supervision'</p>
<p><u>AG v Calderdale Council (HB)</u> <u>[2016] UKUT 396 (AAC)</u> CH/1633/2016</p>	<p>02/09/2016</p>	<p>Regulation 100(2) of the Housing Benefit Regulations 2006</p>	<p>Recovery of overpayments - meaning of "Notice relating to payment"</p>
<p><u>RM v Sefton Council (HB)</u> <u>[2016] UKUT 357 (AAC)</u> CH/4612/2014</p>	<p>27/07/2016</p>	<p>Section 134 of the Social Security Contributions and Benefits Act 1992; Regulation 43 of the Housing Benefit Regulations 2006</p>	<p>Whether flat let to tenants was a business asset and whether presence of tenants affected its valuation</p>
<p><u>EN v Slough Borough Council (HB)</u> <u>[2016] UKUT 343 (AAC)</u> CH/1124/2016</p>	<p>18/07/2016</p>	<p>Tribunals, Courts and Enforcement Act 2007, section 12(2)(a)</p>	<p>Tribunal failed to have regard to Appellant's change of residence when deciding to proceed in her absence</p>

<u>IC v Glasgow City Council and Secretary of State for Work and Pensions (HB)</u> <u>[2016] UKUT 321 (AAC)</u> CSH/110/2015	28/06/2016	Sections 170, 172 to 174 of the Social Security Administration Act 1992	Housing benefit – Housing Benefit (Habitual Residence) Amendment Regulations 2014 – F tT had jurisdiction to consider <i>vires</i>
<u>GN v Sevenoaks Borough Council (HB)</u> <u>[2016] UKUT 271 (AAC)</u> CH/122/2015	09/06/2016	Regulation 9 of the Housing Benefit Regulations 2006	Meaning of "owned" for the purposes of regulation 9
<u>RW v Sheffield City Council & Secretary of State for Work and Pensions (HB)</u> <u>[2016] UKUT 234 (AAC)</u> CH/1521/2015	13/05/2016	Regulation 8 of the Housing Benefit Regulations 2006	Recovery of overpayments – official error – housing office refused to discuss tenancy with claimant who was not the tenant
<u>LC v Bournemouth Borough Council (HB)</u> <u>[2016] UKUT 175 (AAC)</u> CH/4640/2014	08/04/2016	Regulation 49(2) of the Housing Benefit Regulations 2006	How to determine capital held by a claimant – application of Regulation 49(2) of the 2006 Regulations – were proceeds from the sale of the matrimonial home were held by a solicitor under conditions that distribution to made with the agreement of the parties or in accordance with an order of the court.

<p><u>MH v London Borough of Waltham Forest (HB)</u> <u>[2016] UKUT 161 (AAC)</u> CH/5066/2014</p>	<p>04/04/2016</p>	<p>Regulation 2 Housing Benefit Regulations 2006 Regulation 2 Income Support (General) Regulations 1987</p>	<p>Inconsistent decisions by First-tier Tribunal – claimant entitled to income support because had no capital but not entitled to housing benefit because had excess capital – position where only the First-tier Tribunal's housing benefit decision was appealed</p>
<p><u>Sandwell Metropolitan Borough Council v NK (HB)</u> <u>[2016] UKUT 140 (AAC)</u> CH/1317/2015</p>	<p>10/03/2016</p>	<p>Regulation 100(1) to (3) of the Housing Benefit Regulations 2006</p>	<p>Delay in adjudication – overpayment caused by delay was recoverable – claimant could reasonably have been expected to realise she was being overpaid</p>
<p><u>SS v Copeland Borough Council (HB)</u> <u>[2016] UKUT 115 (AAC)</u> CH/4608/2014</p>	<p>29/02/2016</p>	<p>Paragraph 1(2) of Schedule 7 of the Child Support Pensions and Social Security Act 2000</p>	<p>Landlord must be given the opportunity to contest whether the tenant was disentitled on the ground of the non-commerciality of the agreement</p>
<p><u>Stevenage Borough Council v ML (HB)</u> <u>[2016] UKUT 164 (AAC)</u> CH/454/2015</p>	<p>23/02/2016</p>	<p>Regulation B13</p>	<p>Reduction under regulation B13</p>

<u>AV v Bolton Metropolitan Borough Council (HB) [2016] UKUT 16 (AAC)</u> CH/5411/2014	08/01/2016	Regulation 4(2)(b), 7(2)(a)(i) & 8 Housing and Council Tax Benefit (Decisions and Appeals) Regulations 2001	Proper findings regarding start date of any extra income – overpayment recoverable if substantially caused by claimant
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