

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

HB/CTB Decisions published on Upper Tribunal (AAC) website in 2017

(Last updated 21 September 2017)

Case	Date of decision	Legislation in issue	Keywords
<u>Rossendale Borough Council v RM (HB)</u> <u>[2017] UKUT 362 (AAC)</u> CH/539/2016	05/09/17	Regulation 14(1)(a) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001	Alleged overpayment - local authority following decision of the Secretary of State relating to income support - whether First-tier Tribunal entitled to allow appeal due to local authority's failure to provide evidence relied upon by Secretary of State
<u>London Borough of Bexley v KM (HB)</u> <u>[2017] UKUT 354 (AAC)</u> CH/1241/2017.	29/08/17	Regulation 9(1)(c) of the Housing Benefit Regulations 2006	Application of regulation 9 – claimant formed a relationship with a joint owner of a property and lived with her as her partner – they split up and she remained in the property occupying a spare bedroom and paying rent.
<u>DF v London Borough of Waltham Forest (HB)</u> <u>[2017] UKUT 306 (AAC)</u> CH/2950/2016	21/07/17	Housing Benefit Regulations 2006	A local authority seeking to rely on the ex p Hamilton exception to the principle in ex p Menear needs evidence of fraud, not suspicion.

<p><u>HK v South Hams District Council (HB)</u> <u>[2017] UKUT 254 (AAC)</u> CH/25/2017</p>	<p>14/06/17</p>	<p>Regulation 7 of the Housing Benefit Regulations 2006</p>	<p>Whether a dwelling is “normally occupied” as a home, the “temporary absence” provisions of regulation 7(16) and 7(17) of the Housing Benefit Regulations 2006, and what should be taken into account when determining whether a tenancy is on a commercial basis.</p>
<p><u>Secretary of State for Work and Pensions v Carmichael and Sefton BC (HB)</u> <u>[2017] UKUT 174 (AAC)</u> CH/3609/2014</p>	<p>27/04/17</p>	<p>Regulation B13</p>	<p>Claimant and disabled wife unable to share same bedroom – Article 14 European Convention on Human Rights – courts and tribunals power to determine subordinate legislation incompatible with a person’s Convention rights</p>
<p><u>WL v Leicester City Council (the HBA) (HB)</u> <u>[2017] UKUT 151 (AAC)</u> CH/213/2016</p>	<p>31/03/17</p>	<p>Regulations 12(1) and 8(1)(c)(ii) Housing Benefit Regulations 2006</p>	<p>Payments in respect or in consequence of use and occupation of a dwelling – treating another person as liable to make payments to enable them to continue living in the dwelling</p>
<p><u>MS v London Borough of Lewisham (HB)</u> <u>[2017] UKUT 136 (AAC)</u> CH/2839/2016</p>	<p>20/03/17</p>	<p>Rule 8(3) of the Tribunal Procedure Rules 2008</p>	<p>Power to strike out appeals under Rule 8(3) of the Tribunal Procedure Rules 2008</p>
<p><u>JE v Southampton City Council (HB) (CTB)</u> <u>[2017] UKUT 114 (AAC)</u> CH/2418/2015</p>	<p>13/03/17</p>	<p>Regulation 7 Housing Benefit Regulations 2006</p>	<p>Occupation of the home – discrimination and the applicability of the UN Convention on Rights of Persons with Disabilities – Article 14 on non-discrimination – no failure to secure enjoyment. Whether discriminatory cessation of Housing Benefit</p>

<p><u>AG v South Ayrshire Council (HB)</u> <u>[2017] UKUT 110 (AAC)</u> CSH/360/2016</p>	<p>16/02/17</p>	<p>Paragraph 4(10) of Schedule 3 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006</p>	<p>Exempt accommodation – jurisdiction of tribunal to determine whether provider of care, support and supervision complying with another regulatory regime – whether care, support and supervision being lawfully provided.</p>
<p><u>E v Dacorum Borough Council and M (HB)</u> <u>[2017] UKUT 93 (AAC)</u> CH/1394/2015</p>	<p>14/02/17</p>	<p>Regulation 96 Housing Benefit Regulation 2006</p>	<p>Whether a landlord’s retention of a tenancy deposit reduces “outstanding rent” for the purposes of regulation 96</p>
<p><u>SL v Secretary of State for Work and Pensions (IS) and Carlisle City Council (HB)</u> <u>[2017] UKUT 64 (AAC)</u> CH/2899/2016</p>	<p>09/02/17</p>	<p>Rule 34(2) of Tribunal Rules (First-tier Tribunal) (SEC) Rules 2008</p>	<p>Adequacy of reasons in First-tier Tribunal’s decision refusing to set aside substantive decisions. Significance of rule 34(2) of Tribunal Rules (First-tier Tribunal) (SEC) Rules 2008 taken together with common law expectations: paragraphs 28 - 34; procedural error for rule 37 vs error of law or fact.</p>
<p><u>Metropolitan Borough of Gateshead v GD (HB)</u> <u>[2017] UKUT 41 (AAC)</u> CH/2093/2016</p>	<p>24/01/17</p>	<p>Welfare Reform Act 2012</p>	<p>Effective claim for Council Tax Benefit – not possible since July 2013 (for people above working age) or 1 October 2013 (for those of working age)</p>
<p><u>Babergh District Council v GW (HB)</u> <u>[2017] UKUT 40 (AAC)</u> CH/2053/2016</p>	<p>13/01/17</p>	<p>Regulation 8(1)(c)(ii) of HB Regulations 2006</p>	<p>Effect of alleged mistake as to nature of tenancy agreement – payments of rent and utility bills by third parties can amount to notional income – decision that claimant entitled to benefit requires First-tier Tribunal to be satisfied that all conditions of entitlement are met.</p>

