



**FIRST-TIER TRIBUNAL**

**SOCIAL ENTITLEMENT CHAMBER**

**Held at Nottingham Magistrates on 29th September 2014**

**Before Judge Miss SC Clarke**

**Appellant:** [REDACTED]

**Tribunal** [REDACTED]

**NI No:** [REDACTED]

**Respondent: Derby City Council**

**DECISION NOTICE**

1. The appeal is allowed
2. The decision dated 20 March 2014 is set aside

The Appellant's eligible rent should not be reduced by 14%. The number of bedrooms in the Appellant's dwelling does not exceed that to which he is entitled in accordance with paragraph B13(5) Housing Benefit Amendment Regulations 2006.

**Reasons for Decision**

The Tribunal noted that neither party had requested an oral hearing and having considered the appeal papers found that it was just to proceed.

The Respondent's officer had visited the Appellant's property and provided photographs and dimensions of the room currently used as an office by the Appellant.


Following the visit the room was described by the Respondent's officer as a small box room and that there would only be room for a small single bed.

The Tribunal noted that the particular dimensions of the room including the fact that the door opened inwards would make it difficult to fit even a small bed to use the room as a bedroom.

Although the word 'bedroom' is not defined in the legislation the Upper Tribunal have stated that the word is an ordinary English word and should be construed as such. In this case the Tribunal found that the room currently used by the

Appellant as a box room does not properly fall to be classified as a bedroom within the meaning of the relevant legislation.

This Statement is made pursuant to Rule 34 Tribunal Procedure (First Tier Tribunal (SEC) Rules 2008.

<b>Signed Tribunal Judge:</b> <b>Miss SC Clarke</b> 	<b>Date 29<sup>th</sup> September 2014</b>
<b>Decision Notice issued to</b>	<b>Appellant: 29<sup>th</sup> September 2014</b> <b>Respondent: 29<sup>th</sup> September 2014</b>