



**FIRST-TIER TRIBUNAL
SOCIAL ENTITLEMENT CHAMBER**

Held at Fox Court

on 01.05.2014

Before Tribunal Judge R Singh


Appellant: [REDACTED]	Tribunal Ref. SC242/13/18700
	Ni No [REDACTED]
Respondent: Local Authority	

DECISION NOTICE

1. The Housing Benefit appeal is allowed.
2. The decision made on 09.04.2013 is set aside.
3. Pursuant to section 3(1) Human Rights Act 1998, the provision in Regulation B13(5)(a) of the Housing Benefit Regulations 2006 can and should be read as follows ;

"(a) a couple (within the meaning of Part 7 of the Act) or one member of a couple who is unable to share a bedroom because of his/her disability or the disability of the other member of that couple".

4. In so doing, on the particular facts before me, which are not in dispute , Mr [REDACTED] is entitled to three bedrooms under the provision of Regulation B13 (5), and an under occupancy reduction of 14% in his housing benefit entitlement should not be made.

	
Signed Tribunal Judge: R Singh	Date: 01.05.2014
<i>Decision Notice issued to</i>	
	<i>Appellant on: 01.05.2014</i>
	<i>Respondent on: 01.05.2014</i>