



**FIRST-TIER TRIBUNAL
SOCIAL ENTITLEMENT CHAMBER**

Held at **Aberystwyth** on [REDACTED]

Before Tribunal Judge [REDACTED]

Appellant: [REDACTED]	Tribunal Ref. SC220 [REDACTED]
	NI No [REDACTED]
Respondent: Local Authority	

DECISION NOTICE

1. The appeal is allowed.
2. The decision of the Local Authority made on 12.03.2013 is set aside.
3. There are only two bedrooms in this property. The landlord may have referred to the room measuring 7' 1" x 9' 6" as a third bedroom but at 63.3sq metres approximately it is too small to be occupied by an adult as a bedroom on a full time basis. It has not been used by Mr and Mrs [REDACTED] as a bedroom but rather as an office. It is an office.
4. Article 1, Protocol 1, European Convention of Human Rights provides a right not be deprived of possessions, and Housing Benefit is a possession for these purposes. Article 14 ECHR provides a right not be discriminated against in the application of Maximum Rent Social Sector (MRSS). MRSS fails to treat some Housing Benefit Claimants who for various reasons need an additional bedroom on account of various disabilities differently from those who do not need an additional bedroom. This cannot be justified and is a breach of Article 14 ECHR.
5. Furthermore, by reason of Mr [REDACTED] severe disabilities he and his wife cannot share a bedroom. Not to read Section 3(1) of the Human Rights Act 1998 and Regulation B13(5)(a) as such would be incompatible with Mr [REDACTED] rights under Article 14, read with Article 1 of the First Protocol of the European Convention of Human Rights.
6. Accordingly there is no justification for the Local Authority reducing the eligible rent.
7. Liberty to either party to apply to the District Judge on the question of calculation of the eligible rent and arrears of benefit, if any, provided application is made within 1 month of issue of the notice of recalculation.

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