



**FIRST-TIER TRIBUNAL**

**SOCIAL ENTITLEMENT CHAMBER**

Held at: Fox Court

on 02/06/2014

Before Judge J H Grice

Appellant: [REDACTED]

Tribunal Ref. SC242/13/18302

NI No. [REDACTED]

Respondent: London Borough Islington

**DECISION NOTICE**

1. The Housing Benefit appeal is allowed.
2. The decision made on 13/3/13 is set aside. The provisions set out in regulation B13(2)(b) of the Housing Benefit Regulations 2006 are not engaged in determination of [REDACTED] maximum rent. This is because the room in dispute was not a bedroom as at the date of decision.

Summary: I heard this appeal on 3/3/14 when [REDACTED] attended. Having heard his evidence on that occasion, I concluded that more information was needed on the state of the disputed room in order to reach a fair decision about his appeal. I therefore adjourned the matter to today. [REDACTED] did not attend today's hearing, and did not tell the Tribunal why. However, I had the benefit of Mr Bhamra, presenting officer for the Council, and the documentation requested by my directions notice of 3/3/14. Given the information before me, and the fact that [REDACTED] was unlikely to attend any future hearing, I concluded I could fairly deal with the matter in his absence.

The totality of the evidence, including expert evidence, led me to conclude, on a balance of probabilities, that the state of the disputed room was so poor that it was not reasonable to expect it to be used as a bedroom. As at the date of decision there were only two rooms capable of being used as bedrooms in [REDACTED] property. Accordingly the property does not exceed the number of bedrooms to which he is entitled.

Signed Tribunal  
Judge: J H Grice

Date: 02/06/2014

Decision Notice issued to

Appellant on: 02/06/2014