



(P)

**FIRST-TIER TRIBUNAL  
SOCIAL ENTITLEMENT CHAMBER**

Held at: **GLASGOW**

on: **30 April 2014**

Before: **JK Duffy**

<b>Appellant:</b> Mrs L [REDACTED]	<b>Tribunal Ref.</b> SC100/14/00608
	<b>NI No</b> [REDACTED]
<b>Respondent: Local Authority</b>	

**DECISION NOTICE**

1. The Housing Benefit appeal is allowed.
2. The decision made on 21 Feb 2013 is set aside.
3. The appellant is the sole occupant of the property of which she is the tenant. This property has been designated by the landlord (GHA) as a 4 bedroom property. Since commencement of her tenancy in or about 1997 the appellant has used the downstairs room as a dining room and it has never been used by her as a bedroom. Her kitchen is too small and the layout is unsuitable for it to be used for dining purposes. In addition the appellant also uses the downstairs room referred to for storing her disability equipment including her electric motorised scooter, a manual wheelchair and walker. The appellant's use of the downstairs room as a dining room and also for storage of her disability equipment is long established and reasonably necessary for her use of the property.
4. The Tribunal is satisfied that for the purposes of Housing Benefit entitlement under the Housing Benefit Regulations 2006 as amended by the 2012 amendments the number of bedrooms in the dwelling exceeds the number of bedrooms to which the appellant is entitled by 1 room (not by 2 rooms).
5. The case is therefore remitted to the respondent to re-determine the appellant's eligible rent from 01 Apr 2013 in the light of the Tribunal's decision.

Signed Tribunal Judge: JK Duffy	Date: 30 April 2014
<i>Decision Notice issued to</i>	<i>Appellant on:</i>
	<i>Respondent on:</i>



(2)

**FIRST-TIER TRIBUNAL**

**SOCIAL ENTITLEMENT CHAMBER**

Held at: **GLASGOW**

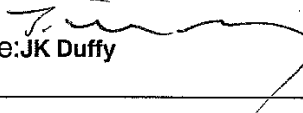
on: **30 April 2014**

Before: **JK Duffy**

<b>Appellant:</b> Mrs E [REDACTED]	<b>Tribunal Ref.</b> SC100/14/00690
	<b>NI No</b> [REDACTED]
<b>Respondent:</b> Local Authority	

**DECISION NOTICE**

1. The Housing Benefit appeal is allowed.
2. The decision made on 21 Feb 2013 is set aside.
3. The appellant is the sole occupant of the property of which she is the tenant. This property has been designated by the landlord (GHA) as a 3 bedroom property. Since commencement of her tenancy in or about 2007 the appellant has used the downstairs room as a dining room and it has never been used by her as a bedroom. Her kitchen is too small to be used for dining purposes. The appellant's use of the downstairs room as a dining room is long established and reasonably necessary for her use of the property.
4. The Tribunal is satisfied that for the purposes of Housing Benefit entitlement under the Housing Benefit Regulations 2006 as amended by the 2012 amendments the number of bedrooms in the dwelling exceeds the number of bedrooms to which the appellant is entitled by 1 room (not by 2 rooms).
5. The case is therefore remitted to the respondent to re-determine the appellant's eligible rent from 01 Apr 2013 in the light of the Tribunal's decision.

Signed Tribunal Judge: JK Duffy 		Date: 30 April 2014
<i>Decision Notice issued to</i>		<i>Appellant on:</i>
		<i>Respondent on:</i>