

Decisions of Upper Tribunal judges on Housing Benefit and Council Tax Benefit

HB/CTB Decisions published on Upper Tribunal (AAC) website in 2010

(Last updated 08 April 2010)

Case	Date of decision	Benefit	Legislation in issue	Keywords
LB Bexley v LD [2010] UKUT 79 (AAC) CH/270/2009	11/03/2010	HB	Reg 14 HB Regs 2006 Sch 7, para 6(1) Child Support, Pensions and Social Security Act 2000	Rent officer's determination on size criteria unappealable – appeal against outcome decision incorporating disputed information possible – meaning of occupier
UH v LB Islington (CTB) [2010] UKUT 64 (AAC) CH/2469/2009	25/02/2010	CTB	Reg 69(14) CTB Regs 2006	Good cause for late claim – meaning of 'good cause' – claimant liable for CT in different authority from that paying HB – reasonableness to be considered in light of circumstances of claimant

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SN v Hounslow BC (HB) [2010] UKUT 57 (AAC) CH/2297/2009	18/02/2010	HB CTB	Regs 99 – 100 HB Regs 2006 Regs 82 – 83 CTB Regs 2006	Recovery of overpayments – official error and separate causation – any overpaid amounts identifiable as attributable to separate and distinct causes, though comprised in the same total payment or credit as others, may need to be separated out and the causal and other inquiries required by regulation 100 applied to them separately
FH v Manchester CC (HB) [2010] UKUT 43 (AAC) CH/2263/2009	15/02/2010	HB	Reg 9 HB Regs 2006	Liability, commerciality and contrivance. – landlord's failure to take possession proceedings does not mean tenancy necessarily non-commercial, given delays in LA handling of his claim
MH v Pembrokeshire CC (HB) [2010] UKUT 28 (AAC) CH/2873/2009	29/01/2010	HB CTB	Rules 27 and 5(3)(h) Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008	Tribunal procedure – fair hearing – correct approach to paper hearings – the role of the overriding objective – tribunal failed to adjourn for medical evidence to be obtained.

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NC v Tonbridge & Malling BC (HB) [2010] UKUT 12 (AAC) CH/978/2009	19/01/2010	HB CTB	Regs 29, 83 & 86 HB Regs 2006	Claim – required information – claimant just started work – whether claim defective for lack of payslips if no payslips are available – estimate of average weekly earnings in new employment to be obtained by local authority, not claimant
BG v LB Hillingdon (HB) [2010] UKUT 11 (AAC) CH/1987//2009	18/01/2010	HB CTB	S130(1)(c)(i)) SSCBA 1992	Extent to which local authority bound by DWP income support decision (<i>Menear, Hamilton</i>)
Torbay BC v RF (HB) [2010] UKUT 7 (AAC) CH/1986/2009	14/01/2010	HB	Reg 7(13) and (16) HB Regs 2006	Occupation of the home and temporary absence – whether prisoner temporarily absent when undergoing medical treatment in prison
IB v Barnsley MBC (CTB) [2009] UKUT 279 (AAC) CH 2103 2009	17/12/2009	CTB	S131 SSCBA Reg 57 CTB Regs 2006	CTB is a daily benefit and the daily taper of 2 6/7 per cent must be converted to a weekly taper of 20 per cent
LB Brent v HN [2009] UKUT 289 (AAC) CH/225/2009	11/12/2009	HB CTB	Reg 104 HB regs Reg 89 CTB Regs	Married couple living together – circumstantial evidence – overpayment – requirement to calculate underlying entitlement.

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EM v London Borough of Waltham Forest [2009] UKUT 245 (AAC) CH/3829 /2008	26/11/2009	HB CTB	Reg 68 HB (General) Regs 1987 Reg 100(1) HB Regulations 2006	Capital – payment under compromise agreement to settle dispute involving local authority part- time workers – whether capital or income. Recovery of overpayments – application of reg 68 (now reg 79) to arrears of income – scope of ‘official error’ where local authority is both the employer and HB authority for claimant
Walsall BC v GP Ltd [2009] UKUT 247(AAC) CH/761/2007 To be reported as [2010] AACR 16	26/11/2009	HB	S75(3(a)) SSAA 1992 Reg 101(2) HB (General) Regs 1987	Whether overpayment of HB paid direct to landlord's agent is recoverable from landlord as well as from agent

HB/CTB decisions selected for reporting in 2010

Reported as	Title and NCN	Keywords
[2010] AACR 2	Chorley BC v IT [2009] UKUT 107 (AAC) (CH/150/2007, CH/151/2007, CH/154/2007)	<p>Housing benefit – rent restrictions – exemption where housing-related support provided – whether accommodation can be ‘provided’ by a body other than the landlord</p> <p>Housing benefit – rent restrictions – exemption where housing-related support provided – whether undertaking maintenance can be the provision of support</p>
[2010] AACR 4	Hillingdon LBC v MJ [2009] UKUT 151 (AAC) CH/3079/2007	<p>Residence and presence conditions – person from abroad – whether local authority bound by decision on claim for income support or income-based JSA</p>
[2010] AACR 6	Novitskaya v LB of Brent & SSWP [2009] EWCA Civ 1260 CH/3530/2007	<p>Claim – whether request for benefits in general terms can constitute claim for housing benefit</p>

<p>[2010] AACR 16</p>	<p><u>Walsall BC v GP Ltd</u> <u>[2009] UKUT</u> <u>247(AAC)</u> CH/761/2007</p>	<p>Whether overpayment of housing benefit paid direct to landlord's agent is recoverable from landlord as well as from agent</p>
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Note: non -HB/CTB search categories that may include cases of relevance or interest include Capital; Earnings and other income; Income support and state pension credit; Recovery of overpayments; Marriage and living together; Residence and presence conditions; Revisions, supersessions and reviews. If you are interested in a specific issue that is not covered by the search categories try searching the Notes field on the [Search for Decisions](#) page by key word or phrase. See [Help with searching](#).