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CSH/298/2011

Case law

Case law date	24/01/2012
Commission/Judge	Judge May QC

Whether residents in a self-help group were providing support on behalf of the landlord

The landlord, SH, was a registered charity which had leased exclusive use of one furnished bedroom to the claimant, in a building containing 4 bedrooms and shared use of a sitting room, kitchen and toilets to the claimant. The rent was £1,537.80 every 4 weeks. The lease did not impose any obligation on the landlord to provide any services other than the usual responsibilities regarding insurance and repairs. The tribunal found in addition to the absence of any contractual provision for services, that no such services were in fact provided. SH had no employees and any assistance was provided by volunteers. Residents who wished to attend AA meetings, for example, did so on their own initiative and made their own arrangements. The claimant nevertheless argued that he had been obtaining "indirect and informal support and encouragement" from being around and talking to like minded residents in a 'dry environment'.

The Upper Tribunal dismissed the appeal holding that the claimant had been unable to demonstrate that the tribunal made any error in law in its assessment of the evidence or the findings of fact which it made. Whether support or supervision was provided was essentially a 'jury question' for the tribunal. It had not been satisfied that the claimant actually required or was provided with the necessary support or supervision. The Judge said that this was essentially a self-help group and it could not be said that the other residents, were providing support or supervision on behalf of SH.