

Casebase Number:

Title of Payment: Rent Supplement



Northside Community Law and Mediation Centre
Northside Civic Centre
Bunratty Road
Coolock
Dublin 17

Date of Final Decision: 4th November 2004

Title of Payment: Rent Supplement

Date of Final Decision: 4th November, 2004

Keywords: Denied Rent Supplement- sufficient grounds for leaving Local Authority Housing- history as a victim of domestic violence-emergency relief

Organisation who assisted claimant: Northside Community Law and Mediation Centre (NCL&MC)

Case Summary:

The Appellant was denied Rent Supplement on the grounds that she had an insufficient reason for leaving her precious local authority housing. The Appellant appealed this decision. The appeal was allowed.

Summary of Benefit(s) Received:

Appellant was originally denied Rent Supplement by the Superintendent Community Welfare Officer (SCWO) in July of 2004. An Appeal Officer at the Eastern Health Board upheld this decision in August of 2004. The decision was further appealed to the Chief Appeals Officer with oral hearing on October 14, 2004. A decision dated November 4, 2004 granted Appellant Rent Supplement from the date of the hearing. Appellant received emergency relief for some of the period between the original refusal and the successful appeal.

Background:

Appellant applied for Rent Supplement in 2004 after leaving her home due to domestic violence. She was originally denied rent supplement by the SCWO. In upholding this decision, an Appeals Officer from the Eastern Health Board stated that the legislation governing Rent Supplement requires sufficient reason for leaving local authority housing. He did not find sufficient grounds in this case, despite Appellant's barring order. He based his decision on the fact that the local housing authority had no record of reports of harassment and the local Gardaí had not supported Appellant's claims in writing. Appeal was taken in September of 2004. A letter was provided by Appellant's solicitor further outlining the domestic violence, Appellant's fear for her life and the lives of her children, her reasons for not contacting the local housing authority about the violence, and her numerous reports to the local Gardaí. Also included were specific reasons Appellant needed to stay at her current residence (i.e. a child with a learning disability had enrolled in an appropriate school). At this time, the local Gardaí provided documentation of Appellant's reports of violence and harassment to the Social Welfare Appeals Office.

Relevant Evidence Put Forth by Social Welfare Services:

Decision of Eastern Health Board Appeals Officer refusing Appeal 26/8/04

Relevant Evidence Put Forth by Appellant:

Letter from Appellant's Solicitor 14/9/04

Letter from Local Gardaí 30/8/04

Date Appeal Taken:

14 September 2004

Date Appeal Heard:

14 October 2004

At Hearing:

Decision:

Appeal ALLOWED

Appeal Officer's Reasoning:

Appeal Officer's Conclusion:

The Appellant is entitled to a Rent Supplement under the Supplementary Welfare Allowance scheme from 14/10/2004.

Observations:

Rent Supplement is a discretionary payment based on a variety of factors. One such factor is that if an Applicant was once the recipient of local authority housing, they must prove 'sufficient grounds' for leaving such housing. The contested issue in this appeal is whether Appellant suffered 'sufficient grounds' to leave local authority housing as required by the Rent Supplement Scheme. The factors most relevant to Appellant's case appear to be her history as a victim of domestic violence, the necessity of leaving her old residence, and the means by which these first two factors can be substantiated by proof. Appellant was, therefore, most aided in her appeal by the documentation of violence provided by her local Gardaí and the existence of a barring order against her spouse. Also going towards the necessity of Appellant's dispersal from her old residence was the fact that despite the barring order and reports to Gardaí, her husband continued to return and cause damage to the residence. This evidence was considered sufficient to establish the 'sufficient grounds' required under the scheme. This case is suggestive of a possible injustice against domestic violence victims. The Eastern Health Board Appeal Officer, as well as the original SCWO, did not find 'sufficient grounds' for Appellant's leaving local authority housing, thereby finding her ineligible for Rent Supplement, despite her having procured a barring order against her husband. Although her appeal was eventually awarded by the Chief Appeal Officer, this decision came after additional corroboration was provided from local Gardaí and Appellant had the aid of a solicitor. If a barring order provided by a court is not considered sufficient evidence by the Health Boards to corroborate a victim's history of violence, a very high onus is being placed on such victims who may, due to fear or other reasons, opt to not follow through with formal police charges and are left with only their word to rely on. In this case, although the Appellant's factual circumstances would have been identical, it is unclear if Appellant would have prevailed in her appeal had her local Gardaí not agreed to provide a letter stating they had responded to calls at Appellant's address.

For ***more information***, contact us at:

Northside Community Law and Mediation Centre,
Northside Civic Centre, Bunratty Road, Coolock, Dublin 17
T: 01 847 7804 | E: info@nclc.ie | W: www.nclc.ie