

Case study 1

Mr & Mrs A were the joint tenants of a two bedroom bungalow which had received adaptations due to Mr A's disability.

Mr A died leaving Mrs A as the sole occupant of the property. Due the right of survivorship Mrs A would become the sole tenant as our policy states that the spouse in these circumstances can remain in the property regardless of size.

However, due to the adaptations that have been carried out to the property the Council would advise Mrs A that under our current policy she would have to move to accommodation more suitable to her needs i.e. a one bedroom property. We would do all we could to ensure that Mrs A was made a suitable offer of alternative accommodation.

If Mrs A chose not to engage with the neighbourhood team as she wanted to remain in the two bed bungalow and an agreement could not be reached on alternative accommodation. We would rely on legislation to remove her from the property. The legislation states that between 6 and 12 months after the death of Mr A the landlord must serve Mrs A with a Notice of Intention to Seek Possession .

If challenged in Court by Mrs A the Council would have to prove that it had someone who needed the property and its adaptations.

Case study 2

Mr B lived with his mother who in a two bedroom bungalow which has extensively adapted to accommodate Mrs B. Mrs B died and Mr B succeeded the tenancy. Mr B would now be under occupying a two bedroom adapted bungalow. Under our current policy that due to the under occupation and the extensive adaptations that had been carried out to the property the Council would advise Mr B that he would have to move to a one bedroom property. We would ensure that he was made an offer of suitable alternative accommodation.

Under our current policy if Mr B does not want to move from the property (possibly stating that he wants to remain in the family home and that he would like to stay close to friends and support network) we would again look to serve a notice between 6 to 12 months of the death of Mrs B. .

Comment Although the Council is confident that in both cases it would be successful in court and that the property would be used by someone requiring the adaptations and therefore be granted possession we are looking for the committee consider if the policy remains appropriate.