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By way of email

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Our ref: ANDREC/ B184****3/DB

Date: 15th December 2023

Andre Cummings

Housing

ddi: 02072752883

AndreC@duncanlewis.com

City Office

Dear Sirs

APPLICATION FOR HOUSING UNDER THE HOUSING ACT 1996 PART VII S183.

Our Client:

DOB ****

The above instructs us. Please find enclosed signed client authority form.

Our client is presenting as homeless to your authority. Please treat this letter as an application for housing under the Housing Act 1996 Part VII, s183.

We refer your authority to section 175 of the Housing Act 1996 (the 1996 Act):



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Homelessness or threatened with Homelessness (s175)



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We refer your authority to section 175 of the Housing Act 1996 (the 1996 Act):

- (1) A person is homeless if he has no accommodation available for his occupation, in the United Kingdom or elsewhere, which he—*
- (a) is entitled to occupy by virtue of an interest in it or by virtue of an order of a court,*
 - (b) has an express or implied licence to occupy, or*
 - (c) Occupies as a residence by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of another person to recover possession.*
- (3) A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.***

A person is threatened with homelessness if it is likely that he will become homeless within 56 days

Our client falls under S 175 (3) as person who is homeless due to accommodation not being reasonable for them to occupy. She is the tenant of 7 Tennyson Close, Enfield, London. Our client instructs she was assaulted on 26th November 2022 as a result of an altercation at a bar and since then she has been frightened to return to the flat. DC Neha Chadda confirmed that the injury to her hand was caused by the assault and that the suspects lived in the same estate as her, and recommended that she should be moved due to the proximity of the suspects and the mental and physical toll the incident had taken on her(see attached).

Since this incident our client has been homeless rough sleeping at friends' houses. Further our client recently got a call from a neighbour informing her that they could smell burning coming



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from the flat. Our client returned to the flat with her family who could not believe the state the flat was in, the mould has taken over the flat which our client had reported previously to London and quadrant. The plug in the property had burned out and melted which has now caused the system to no longer work, further the water and heating system. (See attached)

Eligible for Assistance (s185)

Our client is eligible for assistance as they are a British citizen and was born in London, England on 26/08/1989

Priority Need (s189)

Our client is in priority need under section 189(1) Housing Act 1996.

(1)The following have a priority need for accommodation—

(a)a pregnant woman or a person with whom she resides or might reasonably be expected to reside;

(b)a person with whom dependent children reside or might reasonably be expected to reside;

(c)a person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside;

(d)a person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster.



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Our client falls under section 189(1) (c) Housing Act 1996 as she is a *person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside.*

Our client suffers from the following health conditions:

- a. Depression
- b. Anxiety
- c. Post-traumatic stress disorder
- d. Asthma
- e. Insomnia
- f. The loss of use of her right (and dominant) hand
- g. emotionally unstable personality disorder (EUPD)

Our client has a history of anxiety, asthma and depression, being homelessness has exacerbated her health conditions. Our client has a physical impairment as stated under s6(1) equality act 2010 as the impairment has a substantial and long term adverse effect on our client to carry out normal day to day task. Our client instructs that she has lost the use of her right hand and she needs help with shopping, cooking, cleaning and literacy (specially, completing form) as a result of her injury.





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Our client medical conditions are supported by Psychiatrist, Dr Hilary Scurlock, whom states our client has “EUPD” (which stands for emotionally unstable personality disorder) and mixed anxiety and depressive symptoms, possibly related to PTSD. Our client is currently prescribed mirtazapine by her GP

Our client further falls under the Homelessness code of guidance for local authority’S8:

8.14 A person has a priority need for accommodation if they are vulnerable as a result of: (f) ceasing to occupy accommodation because of violence from another person or threats of violence from another person which are likely to be carried out; or,

Our client was assaulted on 26th November 2022 as a result of an altercation our client is now in fear to return to the property and thus sleeps at different friends’ houses.

Duty to make enquiries (s184)

We submit that on the basis of the presenting evidence your authority has reason to believe that our client may be homeless/ threatened with homelessness and therefore has a duty under s184(1) to make reasonable enquiries into this case and to provide a written decision (s184(3) & (6)).

Interim Accommodation Duty (s188)



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The main homelessness duties in s.193(2) and s.195(2) of the 1996 Act (to secure accommodation or take reasonable steps to prevent the loss of accommodation) apply only to applicants who have a priority need for accommodation (paragraph 10.2 of the Homelessness Code of Guidance).

We believe that on the basis of the presenting evidence from our client and the evidence contained in this letter, that your authority has reason to believe that our client may be homeless, eligible for assistance and in priority need and therefore is required by s.188(1) to provide suitable accommodation pending completion of your enquiries. This duty arises and is irrespective of local connection with your authority.

In *R(Aweys and others) v Birmingham City Council* [2007] EWHC 52 (Admin) (approved by the Court of Appeal [2008] EWCA Civ 48), Collins J rehearsed what should be trite law to any housing authority: “It is apparent that the threshold for the duty of Councils to act under s.184 is a low one (cf: *Mohamed v Manek & another* (1995) 27 H.L.R. 439@449) since it arises if they have reason to believe the applicant may be homeless or threatened with homelessness. In the vast majority of cases, the making of the application will mean that it is difficult if not impossible for the Council not to believe that the applicant may be homeless or threatened with homelessness.

Furthermore, no particular form of application is prescribed. This is not surprising since the provisions are dealing with people who are likely to be vulnerable and who cannot be expected to have obtained legal advice or to have an acquaintance with the statutory provisions. If it is apparent



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Until 2022





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from what is said by an applicant (for there is no requirement that an application be in writing) or from anything in writing that he may be homeless or threatened with homelessness, the duty is triggered.”

Should you refuse to accommodate our client, Ms. DB will suffer detriment, and we will have no option but to advise our client of Judicial Review proceedings for the failure to discharge statutory duty towards our client. Ms. DB requires immediate accommodations from the council that will take into consideration their medical needs.

If you have any queries, please contact Andre Cummings by telephone on 02072752883 or by email at AndreC@duncanlewis.com . Please ensure that you quote our reference number above in all correspondence and communications with this office.

Yours sincerely

Duncan Lewis

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Encls.