

**SOLICITOR & COUNSEL'S STATEMENT ON HAILE V LONDON BOROUGH OF
WALTHAM FOREST – MAY 20 2015**

In *Haile v London Borough of Waltham Forest* [2015] UKSC 34 the Supreme Court considered two primary issues which are of great significance in determining whether an applicant is intentionally homeless. The first related to the time when intentional homelessness was to be considered. The second related to the question of whether events could break the chain of causation.

The facts were that Ms Haile deliberately gave up the accommodation in a hostel. The hostel did not permit occupation by children. Ms Haile contended she was not intentionally homeless because she would have been homeless, in any event, by the time her application was considered because she would not have been permitted to occupy the accommodation after the birth of her baby and so the operative cause of the homelessness was not the voluntary act in giving up accommodation.

The Supreme Court accepted the arguments of Ms Haile that the construction of the Housing Act 1996 involved consideration of the actual cause of homelessness. The Supreme Court did not find it necessary to distinguish or overrule of *Din v Wandsworth London Borough Council* [1983] but rather considered that the decision of the majority of the House of Lords in *Din* could be interpreted in a way which was consistent with the arguments of the appellant. The decision in *Haile* is that the foundations for the development of the law on intentional homelessness, as set out in *Din* are sound. However, the Supreme Court accepted that the facts of *Din* may not have given rise to the same decision today.

Most significantly, the Supreme Court have ensured that decision makers and review officers are required to consider the actual operative cause of homelessness at the time of the decision and review thus ensuring that the focus is upon relevant conduct.

Further, the Supreme Court have confirmed that obtaining settled accommodation is not the only method of breaking the chain of causation and thus endorsed the Court of Appeal decision in *R v Harrow London Borough Council, Ex p Fahia* (the appeal to the House of Lords in that case having proceeded without that issue being considered).

Ms Haile was represented by Hackney Community Law Centre (**Tayyabah Ahmed**, Solicitor with conduct of the case) and Counsel **Kerry Bretherton** of **Tanfield Chambers** leading **Laura Tweedy** of **Hardwicke Chambers**.

Tayyabah Ahmed said: *“This is a fantastic result for applicants as well as practical and necessary guideline for local authorities. I am really pleased that HCLC was able to advance our argument all the way to the UK Supreme Court”*.

Kerry Bretherton commented *“the clarity which has been achieved by Lord Reed’s analysis of Din is welcomed by all who practice in this area. The decision will inevitably impact on all cases of intentional homelessness and lead to a duty being owed to many who would have otherwise been homeless and may require further applications by those who have been found to be intentionally homeless.”*

Tayyabah Ahmed – Hackney Community Law Centre

Kerry Bretherton – Tanfield Chambers

Laura Tweedy – Hardwicke Chambers