

R (on the application of Imam) (Respondent) v London Borough of Croydon (Appellant)

Case ID: 2022/0102

Case summary

Issue

When should a court make a mandatory order against a local housing authority to enforce a duty owed to a homeless individual under s193(2) of the Housing Act 1996 (the "1996 Act")? In particular, should the court take account of either: (a) budgetary constraints imposed on the housing authority; or (b) the availability of housing under a non-secured tenancy under Part VII of the 1996 Act (as opposed to a secured tenancy under Part VI of the 1996 Act).

Facts

The respondent is disabled within the meaning of s6 of the Equality Act 2010. The appellant, a local housing authority, has provided the respondent housing since 2014. The appellant accepts that (a) the property provided is not suitable accommodation, within the meaning of the 1996 Act; and (b) it is in breach of s193(2) of the 1996 Act by not offering suitable alternative accommodation.

The respondent judicially reviewed the appellant's failure to provide suitable alternative accommodation. In the High Court, the Deputy Judge declined to exercise his discretion to award a mandatory injunction to require the appellant to provide suitable alternative accommodation. In the Court of Appeal, this decision was overturned on the basis that the Deputy Judge had wrongly taken into account budgetary constraints imposed on the local housing authority in the exercise of his discretion and in the analysis of the steps taken by the authority to fulfil its statutory duty. The appellant now appeals to the Supreme Court.

Judgment appealed

[\[2022\] EWCA Civ 601](#)

Parties

Appellant

London Borough of Croydon

Respondent

Ruba Imam

Intervener

Crisis

Appeal

Justices

Lord Lloyd-Jones, Lord Sales, Lord Leggatt, Lord Richards, Lord Burnett

Hearing start date

3 May 2023

Hearing finish date

4 May 2023

Watch hearing

3 May 2023 [Morning session](#) [Afternoon session](#)

4 May 2023 [Morning session](#)