Case Study:
Keeping a Roof Over Dennis's Head

North & West Kent Citizens Advice and Kent Law Centre

citizens advice

The Challenge



Dennis's home was more than just a place to live. As a disabled resident with chronic pain, arthritis and deteriorating mental health, his ground-floor adapted council property enabled him to live safely and independently.

Following the breakdown of a relationship involving domestic abuse, Dennis's former partner was ordered by the court not to return to the property. However, without his knowledge, she later attempted to end their joint tenancy. The council subsequently served a notice to quit and began possession proceedings, placing Dennis at risk of losing the home he depended upon.

At the same time, Dennis was coping with worsening anxiety and depression, awaiting major medical treatment including a joint replacement and a brain scan, and relying on daily care support.

Faced with the prospect of homelessness and the loss of his support network, Dennis was struggling to navigate complex housing law issues and court proceedings alone. Without specialist legal support, he had little ability to challenge the possession claim or protect his rights.

What We Did

With the support of **Legal Aid**, we were able to act quickly and effectively:

- Contacted the council's legal team to:
  - Raise concerns about disability, lack of assessment, and need for adapted housing
  - Explore settlement options to avoid unnecessary court action
- Submitted a **formal defence** to the possession claim, arguing that:
  - The ex-partner's notice was invalid and did not lawfully end the tenancy
  - The council served the **wrong type of notice** and did not comply with the **Protection from Eviction Act 1977**
- We represented Dennis throughout the court process, ensuring the court understood not only the legal flaws in the claim but also the real-life impact the proceedings were having on a disabled and vulnerable resident.

Outcome

- **Possession claim struck out**
- **Court ordered the council to pay all costs, including Legal Aid costs**
- **Dennis avoided homelessness and remained in suitable accommodation**
- **Dennis gained stability at a critical point in his health recovery**
- **We have advised Dennis to pursue compensation for distress caused by the unlawful proceedings**

This outcome **would not have been possible without Legal Aid** which enabled:

  - Proper legal scrutiny of flawed possession proceedings
  - Protection of a disabled person from unlawful eviction
  - Access to justice for someone in **desperate circumstances**

Legal Aid made the difference between homelessness and security.