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NEWS REPORT

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| Country: | Ireland |
| Title: | Access to housing |
| Date: | 16 June 2017 |
| Expert: | Frances Meenan |
| <u>Context</u> | |
| Issue at stake: | <i>A Potential Tenant v A Letting Agent</i> Adjudication Officer Decision ADJ-00004060 |
| Ground of discrimination: | Family status/civil status |
| Source: | Workplace Relations Commission |
| Field: | Access to Goods and Services |
| Applicable law: | Directive 2004/113/EU; Equal Status Act 2000 (as amended) |

Content

The complainant alleged that she was discriminated against by reason of her civil and family status by the respondent, a letting agent in that she was treated unlawfully in the provision of goods/ services in that she was refused accommodation. On the evening of 17 April, the complainant emailed the respondent asking to view a particular two bedroom apartment. The following day, 18 April, the letting agent replied by email stating that the viewing was at 5.30 pm if the complainant wished to attend. She was advised that the apartment was only suitable for two tenants. She replied stating that she was a single mother with one toddler and that she is looking to rent under the social welfare allowance scheme. This means that the rent is paid directly to the landlord's bank account by Dublin City Council. She asked if this was agreeable. The letting replied that the landlord was agreeable to being paid under the social welfare scheme but that the landlord is looking for a couple. The complainant did not pursue this apartment. She took this as a one parent family being refused access to housing. The complainant viewed another apartment in the same block and was of the opinion that the original one would have been ideal for her and her child. The complainant did not consider that the matter had anything to do with affordability and is now living in an apartment with the same monthly rental.

The respondent is a well-established licensed letting agent. The allegation that she was refused the accommodation because the complainant is a single mother was denied and that there is no intention to discriminate. The agent stated that from a practical and economic view that it is better to have two people to rent but that if a single person can show that they can afford the rent that is fine. The respondent stated that the major concern is affordability and profile. The complainant was invited to view the apartment but she did not do so but that if she could have afforded the rent and had provided references then they would have been acceptable. If she had come back to say that she could have afforded it that this would have changed matters.

The Act defines 'civil status' to being inter alia 'single' and 'family status' as 'being pregnant or having responsibility:- (a) as a parent in relation to a person who has not attained the age of 18 years'.

The adjudication officer considered that the complainant had a *prima facie* case arising from the words of the email of 18 April where it was stated 'the landlord is looking for a couple here I'm afraid, apologies on this' as prohibited conduct that had taken place. The adjudication officer considered that the word 'apologies' brought closure to the communication and that it would appear that the complainant was treated less favourably than a couple would have been in the circumstances.

The adjudication officer considered that the allegation in respect of family status is not as clear as the emails do not indicate that any prohibited conduct took place because of her family status. The respondent stated that there was no indication of an intention to discriminate against a single person and that the complainant was reading too much into a few words. The adjudication officer considers that the respondent cannot interpret the email for the complainant as it is her interpretation which counts and that the officer agreed with her interpretation.

The respondent considered that if the complainant had attended the viewing that things might have been different. However, the adjudication officer considered that the damage was already done. The respondent considered that a different outcome would have been forthcoming is purely hypothetical and not relevant. The complainant was never asked nor did she have the opportunity to discuss affordability or her track record as the matter was closed down in the email of 18 April.

The adjudication officer considered that there was discrimination on the civil status ground and awarded the complainant EUR 3 000, the equivalent of two month's rent in compensation for the effects of discriminatory conduct.

Key points of analysis: This case resulted in a considerable amount of publicity when it was published. The decision that there was discrimination on the civil status ground is clear but in this writer's opinion, there is an inference that there was discrimination on the family status ground in that the complainant stated that she has a child. The responding email from the letting agent stated that the landlord was looking for a 'couple'. After all what difference did it make as to whether there was one or two people as long as the rent was paid and that they were good tenants. Perhaps, an inference that single mothers could not afford the rent or more than likely given the current lack of housing and rent increases, any rent increase? I would be of the view that there was a *prima facie* case of discrimination also on the family status ground. Therefore, is this not a situation which falls within the definition of discrimination which includes a situation where discrimination 'may exist in the future' or indeed 'is imputed to the person concerned'.

Internet link source: <https://www.workplacerelations.ie/en/Cases/2017/April/ADJ-00004060.html>. Accessed 31 May 2017.