

PRESS RELEASE

For Immediate Release

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**Woman who Fled to Domestic Violence Refuge Granted Leave for Judicial Review Against
Tipperary County Council**

Summary of Case:

A client of Mercy Law Resource Centre has been granted leave by Mr Justice Simons to bring judicial review proceedings against Tipperary County Council. The case raises critical questions about the fairness and legality of the Council's social housing policies, particularly for victims of domestic violence.

Re: DS v Tipperary County Council [2024/1184] JR

Reporting Restrictions Apply: Mr Justice Simons has prohibited the reporting of any personal details that could identify the applicant, including the applicant's name, address, and locale, under Section 27 of the Civil Law (Miscellaneous Provisions) Act 2008. The respondent, Tipperary County Council, may be identified.

The applicant fled her former local authority home due to domestic violence and entered a domestic violence refuge. She is now homeless, living in emergency B&B accommodation. She sought social housing in her own name, explaining it was unsafe to return to her previous residence. The Council required her to surrender her joint tenancy before it would consider her application for new housing supports.

The applicant complied with the instruction to surrender her tenancy, but was then excluded from consideration for social housing for a year on the grounds that she had "voluntarily" surrendered her tenancy. This decision, upheld on internal review by the Council, left her in what Mr Justice Simons described in court today as a "catch-22 situation".

The applicant's legal team argues that the surrender in this case was not 'voluntary' and that the Council's decision breaches administrative and human rights law, misapplies its own allocation scheme, and amounts to an unlawful fettering of its discretion through the application of an inflexible policy to victims of domestic violence.

Background

The applicant and her former partner shared a local authority tenancy. After escalating domestic abuse, the applicant applied for housing in her own name and entered a refuge. Upon surrendering her previous tenancy at the Council's direction, she received conflicting communications from the Council, initially indicating eligibility for housing but later excluding her from consideration for a social house for one year under the Council's Allocation Scheme.

Today's application for leave to challenge the decision of the Council was brought by **Céile Varley BL**, and granted by Mr Justice Simons.

The case will challenge the Council's application of its policy, which treats victims of abuse fleeing their homes as having "voluntarily surrendered" tenancies, excluding them from consideration for a social housing allocation for a year.

Commentary from Mercy Law Resource Centre

Kate Heffernan, solicitor for the applicant, stated:

"The Council stated that it has treated the applicant in line with how it has treated other victims of domestic violence in similar cases. The case brings a focus to this approach of the Council in respect of excluding a victim of domestic abuse from social housing allocations for a period, where the victim surrenders an interest in a property they fled, and that surrender is required in order for the victim to access supports in their own name."

For more information or to arrange an interview, please contact:

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Notes to editors

1. Mercy Law Resource Centre (MLRC) is an independent law centre, registered charity and company limited by guarantee established in 2009. MLRC provides free legal advice and representation for people who are homeless or at risk of becoming homeless. It also seeks to advocate for change in laws, policies, and attitudes that unduly and adversely impact people who are at the margins of our society. MLRC provides five key services: free legal advice clinics; legal representation in the areas of housing and social welfare law; legal support and training to organisations working in the field of homelessness; policy work; and a befriending service. For more about our work, see www.mercylaw.ie
2. In 2023, MLRC published a policy report entitled '*Social Housing, Domestic Violence and the Public Sector Duty*' with support from the Irish Human Rights and Equality Commission (IHREC), available [here](#).

3. In 2023, MLRC published a separate policy report entitled '*Mental Health and Social Housing Supports*' funded by the Mental Health Ireland Grants Scheme 2022, available [here](#).

4. In 2024, MLRC published a qualitative study entitled '*Excluded and Left Behind. The Lived Experience of Long-Term Family Homelessness on Minority Ethnic Families and the Effects on Their Children*' with support from the Irish Human Rights and Equality Commission (IHREC), available [here](#).