

## NEWS REPORT

**Date:** 21 February 2011  
**Expert:** Orlagh O'Farrell  
**Title:** Successful Tenancy Age Discrimination case for 73 year old returned emigrant welcomed by Equality Authority.  
**Country:** Ireland  
**Context**  
**Issue at stake:**  
**Ground of discrimination:** Age  
**Source:** National equality body, Equality Tribunal, ES/2009/90 and ES/2010/32 of 20 January 2011  
**Field:** Access to housing  
**Legislative provisions:**

### **Content**

**Case:** The Equality Authority welcomed the successful outcome of an Equal Status Act case on the provision of housing for an older man. The Equality Authority represented the claimant Mr Mc Greal, a tenant of Cluid Housing, Tuam, who successfully proved he was discriminated on the grounds of his age when the housing association terminated his tenancy. The Equality Officer awarded the maximum compensation allowed for under the Equal Status Acts of €6,349 in recognition of the seriousness of the subject matter of the complaint.

Mr Mc Greal (74) had raised concerns about fire safety, security and resident committee accounts from 2004 to 2009 and subsequently the Cluid sought to evict Mr Mc Greal.

'The Equality Authority welcomes this important decision on the age ground, which is the culmination of six years of interaction between the two parties. It is important in that it deals with the difficulties that can be experienced by older people who need to access housing and shelter' said Renee Dempsey, Chief Executive Officer. It is a timely reminder of the challenges that can face the generation Mr Mc Greal comes from, who spent a long period of his life in London, and then returned to Tuam as part of the

"Safe Home" scheme'.

"A crucial consideration was the testimony of expert witness Dr Padraic Kenna (NUIG) who 'had never in his entire career seen an elderly tenant, over 70 years of age, being pursued for ejection without any investigative procedure whatsoever or without any normal cause'.

Dr Kenna also noted that "The impact of an eviction on a man of the complainant's age would be extremely severe in comparison with a younger person", agreed Ms Dempsey.

'We note the Equality Tribunal properly considered the imbalance of power between landlord and tenant in this matter, and affirmed the concern of the Equality Authority at the absence of 'some sort of investigative procedure, which gives the tenant the opportunity to defend his position'. We also welcome the consideration by the Equality Officer of a witness statement to the effect that 'a younger man like himself would not have been so badly treated by the respondent', concluded Ms Dempsey.

**Decision of the Court:** The Equality Officer found that the respondent did discriminate against the complainant on the grounds of age, in terms of their decision to issue him with a notice to quit and in terms on their ongoing treatment of him in this matter. She further ordered that Cluid 'conduct a review of its policies and procedures to ensure that they are in compliance with the Equal Status Acts 2000-2008'

**Internet link source and additional information:** (no newspaper links)  
<http://www.equalitytribunal.ie/Database-of-Decisions/2011/Equal-Status-Decisions/DEC-S2011-004-Full-Case-Report.html>