

# Westminster City Council v Clarke [1992]

## Evidence

Mr. Clarke, being a man in need with no home, has not completed obligations the hostel for homeless asked him to complete, and as a result, the hostel asked the complainant to leave the premise. Mr. Clarke decided that he had a tenancy over the room and by asking him to go out, the City Council committed a breach of his rights.

The Westminster City Council provided rooms for homeless people in the hostel. Among the occupants, there were people in need and people with psychological problems. This is why living in this hostel has a lot of restrictions. For example, the hostel's administration might have asked one of the dwellers to share a room with another person. Homeless people had to come back to the room by 11 p.m. and had no right to have visitors after this time. Mr. Clarke broke these restrictions several times and the City Council decided to divest him of his right to use the room. Mr. Clarke brought a case against the hostel.

## Problematics

The problem was to prove that Mr. Clarke had no tenancy rights and could not be considered as a person with exclusive possession over the room. This was not hard, as the restrictions the hostel put on its dwellers directly showed that the City Council wanted to control these people and offered no rights of exclusive possession to the rooms' occupants.

## Resolution

The Court proclaimed that Mr. Clarke was a licensee, not a tenant of the room, and denied his claim.

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