



Accommodation Claims
Identifying and Sorting Out Problems
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- The problem – large cost but big windfall



- The “solution”: Roberts v Johnstone
- Dividing the cost between:
 - ❖ Moving expenses
 - ❖ Cost of adaptation
 - ❖ Increase in value as result of adaptation



- The difficulty: Roberts v Johnstone based on tying up capital
- Life expectancy critical to calculation
- The effect on the young Claimant
- The position of the older Claimant



Distinguishing between types of expenditure

- Disability aids, handrails, etc – no problem
- Extra rooms or special rooms (eg wet-room): do they add value?



Costs that would have been incurred anyway

- Credit should be given for costs that would have been incurred in any event: but
- Remember that a Claimant who might have purchased accommodation but for the injury, may have done so with a partner: if so, only 50% credit: M v Leeds Health Authority [2002] PIQR Q4



- Sometimes a Claimant's parents may move in to the new property to look after her: if so, no credit needs to be given to reflect their benefit: *Parkhouse v North Devon healthcare [2002] Lloyds Med Rep 100*
- If a former property is kept on to house, eg, a partner and children (who cannot be accommodated in the new home required for Claimant), no credit need be given: *Crookdale v Drury [2003] EWHC 1938*



- Adaptations to the homes of others (eg parents) to enable visits are, in principle, recoverable: *Biesheuval v Birrell [1999] PIQR Q 40*
- Remember extra running costs
- *Peters*: Does it alter the principle of claiming for private accommodation, where local authority accommodation is available?