

# Fact Sheet – No 6

## Grounds for possession

This appendix provides a summary of the grounds for possessing an assured or short hold tenancy. During the fixed term of one of these kinds of tenancy, you can only seek possession if one of grounds 2, 8, 10, 11, 12, 13, 14, 15 or 17 apply and the terms of the tenancy make provision for it to be ended on those grounds.

When the fixed term of an assured tenancy ends, you can seek possession on any of the grounds.

When the fixed term of an assured tenancy ends, you can seek possession on any of the grounds.

When the fixed term of a short hold tenancy ends, you do not have to give any grounds for possession.

### Mandatory grounds on which the court must order possession

(N.B. a **prior notice ground** means that you must have notified the tenant in writing before the tenancy started that you might seek possession on this ground.)

#### **1 : A prior notice ground**

You used to live in the property as your only or main home. Or, so long as you or someone before you did not buy the property after the tenancy started, you or your wife require it to live in as your main home.

#### **2 : A prior notice ground**

The property is subject to a mortgage which was granted before the tenancy started and the lender wants to sell it, normally to pay off mortgage arrears.

#### **3 : A prior notice ground**

The tenancy is for a fixed term of not more than 8 months and at some time during the 12 months before the tenancy started, the property was let for a holiday.

#### **4 : A prior notice ground**

The tenancy is for a fixed term of not more than 12 months and at some time during the 12 months before the tenancy started, the property was let to students by an educational establishment, such as a college or university.

#### **5 : A prior notice ground**

The property is held for use for a minister of religion and is now needed for the purpose.

6: You intend to substantially redevelop the property and cannot do so with the tenant there. This ground cannot be used where you, or someone before you, bought the property with an existing tenant, or where the work can be carried out without the tenant having to move. The tenant's removal expenses must be paid.

7: The former tenant, who must have had a contractual periodic tenancy or statutory periodic tenancy, has died in the 12 months before possession proceedings started and there is no-one living there who has a right to succeed the tenancy.

8. The tenant owed at least 2 months/8 weeks rent, both when you gave notice seeking possession and at the date of the court hearing. This ground was amended by the Housing Act 1996 and applied from 28 February 1997.

### Discretionary grounds on which the court may order possession

9: Suitable alternative accommodation is available for the tenant, or will be when the court order takes effect. The tenant's removal expenses must be paid.

10: The tenant was behind with his rent, both when you served notice seeking possession and when you began court proceedings.

11: Even if the tenant was not behind with his rent when you started possession proceedings, he has been persistently late in paying his rent.

12. The tenant has broken on or more of the terms of the tenancy agreement, except the obligation to pay rent.

13: The condition of the property has got worse because of the behaviour of the tenant or any other person living there.

14: The tenant, or someone living in or visiting the property :

- has caused or is likely to cause annoyance to someone living in or visiting the locality

Or

has been convicted of using the property, or allowing it to be used, for immoral or illegal purposes, or an arrestable offence committed in the locality.

**NB** This ground was amended by the Housing Act 1996 and applies from 28 February 1997.

15: The condition of the furniture in the property has got worse because it has been ill-treated by the tenant or any other person living there.

16: The tenancy was granted because the tenant was employed by you or a former landlord, but he is no longer employed by you.

17: You were persuaded to grant the tenancy on the basis of a false statement knowingly or recklessly made by the tenant, or a person acting at the tenant's instigation.

**NB** This is a new ground added by the Housing Act 1996 and applies from the 28 February 1997.

### **Notice periods**

You must serve notice seeking possession of the property on the tenant before starting court proceedings. You need to give the following periods of notice :

For grounds 3, 4, 8, 10, 11, 12, 13, 15 or 17 – **at least 2 weeks**

For grounds 1, 2, 5, 6, 7, 9 and 16 – **at least 2 months**

For grounds 14 from 28 February 1997 – **you can start proceedings as soon as you have served notice.**

If the tenancy is on a contractual periodic or statutory periodic basis, the notice must end on the last day of the tenancy period