

SCHEDULES

SCHEDULE 3

Articles 29, 42(3) and 47.

FOUNDATIONS FOR POSSESSION OF DWELLING-HOUSES LET UNDER SECURE TENANCIES

PART I

FOUNDATIONS ON WHICH COURT MAY ORDER POSSESSION

Ground 1

Any rent lawfully due from the tenant has not been paid or any obligation of the tenancy has been broken or not performed.

[^{F1}Ground 2

F1 2003 NI 2

The tenant or a person residing in or visiting the dwelling-house—

- (a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or
- (b) has been convicted of—
 - (i) [^{F2}an offence involving] using the dwelling-house or allowing it to be used for immoral or illegal purposes, or
 - (ii) an [^{F3}indictable] offence committed in, or in the locality of, the dwelling-house.]

F2 Words in Sch. 3 Pt. I inserted (31.7.2010) by Housing (Amendment) Act (Northern Ireland) 2010 (c. 9), ss. 11, 19(1); S.R. 2010/251, art. 2

F3 Word in Sch. 3 Pt. I substituted (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), 15(4), Sch. 1 para. 21

F2 Words in Sch. 3 Pt. I inserted (31.7.2010) by Housing (Amendment) Act (Northern Ireland) 2010 (c. 9), ss. 11, 19(1); S.R. 2010/251, art. 2

F3 Word in Sch. 3 Pt. I substituted (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), 15(4), Sch. 1 para. 21

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[^{F4}Ground 2A

F4 2003 NI 2

[^{F5}The dwelling-house was occupied (whether alone or with others) by [^{F6} a married couple, a couple who are civil partners of each other] a couple living together as husband and wife [^{F6} or a couple living together as if they were civil partners] and—

- (a) one or both of the partners is a tenant of the dwelling-house,
- (b) one partner has left because of violence or threats of violence by the other towards—
 - (i) that partner, or
 - (ii) a member of the family of that partner who was residing with that partner immediately before the partner left, and
- (c) the court is satisfied that the partner who has left is unlikely to return while the other continues to occupy the dwelling-house.]]

F5 2003 NI 2

F6 2004 c.33

F5 2003 NI 2

F6 2004 c.33

Ground 3

The condition of the dwelling-house or of any of the common parts has deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any person residing in the dwelling-house and, in the case of any act of waste by, or the neglect or default of, a person lodging with the tenant or a sub-tenant of his, the tenant has not taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.

In this paragraph, “the common parts” means any part of a building comprising the dwelling-house, and any other premises which the tenant is entitled under the terms of the tenancy to use in common with the occupiers of other dwelling-houses let by the landlord.

Ground 4

The condition of any relevant furniture has deteriorated owing to ill-treatment by the tenant or any person residing in the dwelling-house and, in the case of any ill-treatment by a person lodging with the tenant or a sub-tenant of his, the tenant has not taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.

In this paragraph “relevant furniture” means any furniture provided by the landlord for use under the tenancy or for use in any of the common parts (within the meaning given in Ground 3).

Ground 5

The tenant is the person, or one of the persons, to whom the tenancy was granted and the landlord was induced to grant the tenancy by a false statement made knowingly or recklessly by—

- [^{F7}(a) the tenant, or
- (b) a person acting at the tenant's instigation.]

F7 2003 NI 2

F7 2003 NI 2

[^{F8}Ground 5A

F8 1986 NI 13

The tenancy was assigned to the tenant, or to a predecessor in title of his who is a member of his family and is residing in the dwelling#house, by an assignment made by virtue of Article 32A and a premium was paid either in connection with that assignment or the assignment which the tenant or predecessor himself made by virtue of that Article.

In this paragraph “premium” means any fine or other like sum and any other pecuniary consideration in addition to rent.]

Ground 6

The dwelling-house was made available for occupation by the tenant[^{F9} (or a predecessor in title of his)] while works were carried out on the dwelling-house which he previously occupied as his only or principal home and—

- (a) [^{F9}the tenant or predecessor] was a secure tenant of that other dwelling-house at the time when he ceased to occupy it as his home;
- (b) [^{F9}the tenant or predecessor] accepted the tenancy of the dwelling-house of which possession is sought on the understanding that he would give up occupation when, on completion of the works, the other dwelling-house was again available for occupation by him under a secure tenancy; and
- (c) the works have been completed and the other dwelling-house is so available.

F9 1986 NI 13

F9 1986 NI 13

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Ground 7

The landlord intends, within a reasonable time of obtaining possession of the dwelling-house—

- (a) to demolish or reconstruct the building or part of the building comprising the dwelling-house; or
- (b) to carry out work on that building or on land let together with, and thus treated as part of, the dwelling-house;

and cannot reasonably do so without obtaining possession of the dwelling-house.

Ground 8

The dwelling-house has features which are substantially different from those of ordinary dwelling-houses and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of a kind provided by the dwelling-house and—

- (a) there is no longer such a person residing in the dwelling-house; and
- (b) the landlord requires it for occupation (whether alone or with other members of his family) by such a person.

Ground 9

The dwelling-house is let by a registered housing association which lets dwelling-houses only for occupation (alone or with others) by persons whose circumstances (other than merely financial circumstances) make it especially difficult for them to satisfy their need for housing; and—

- (a) either there is no longer such a person residing in the dwelling-house or the tenant has received from the Executive an offer of accommodation in premises which are to be let as a separate dwelling under a secure tenancy; and
- (b) the association requires the dwelling-house for occupation (whether alone or with other members of his family) by such a person.

Ground 10

The dwelling-house is one of a group of dwelling-houses which it is the practice of the landlord to let for occupation by persons with special needs and—

- (a) a social service or special facility is provided in close proximity to the group of dwelling-houses in order to assist persons with those special needs;
- (b) there is no longer a person with those special needs residing in the dwelling-house; and
- (c) the landlord requires the dwelling-house for occupation (whether alone or with other members of his family) by a person who has those special needs.

Ground 11

The accommodation afforded by the dwelling-house is more extensive than is reasonably required by the tenant and—

- (a) the tenancy vested in the tenant, by virtue of Article 26, on the death of the previous tenant;
- (b) the tenant was qualified to succeed by virtue of paragraph (2) (b) of that Article; and
- (c) notice of the proceedings for possession was served under Article 28^{F10} (or, where no such notice was served, the proceedings for possession were begun)] more than six months, but less than twelve months, after the date of the previous tenant's death.

F10 2003 NI 2

F10 2003 NI 2

PART II

SUITABILITY OF ACCOMMODATION

Modifications etc. (not altering text)

C1 Sch. 3 Pt. II (paras. 1-3) applied by [Housing \(Northern Ireland\) Order 2003 \(S.I. 2003/412 \(N.I. 2\)\)](#), art. 19B(5) (as inserted (31.7.2010) by [Housing \(Amendment\) Act \(Northern Ireland\) 2010 \(c. 9\)](#), ss. 9(3), 19(1); S.R. 2010/251, art. 2)

1.—(1) For the purposes of Chapter II of Part II of this Order, accommodation is suitable if it consists of premises—

- (a) which are to be let as a separate dwelling under a secure tenancy, or
- (b) which are to be let as a separate dwelling under a protected tenancy (other than one of a kind mentioned in sub-paragraph (2)) within the meaning of the Rent (Northern Ireland) Order 1978.

and, in the opinion of the court, the accommodation is reasonably suitable to the needs of the tenant and his family.

(2) The kind of protected tenancy referred to in sub-paragraph (1) is one under which the landlord might recover possession of the dwelling-house under one of the Cases in Part II of Schedule 4 to the said Order of 1978 (cases where court must order possession).

^{F11}1A For the purposes of Article 19B of the Housing (Northern Ireland) Order 2003, accommodation is suitable if it consists of premises which are to be let as a separate dwelling under an introductory tenancy (within the meaning of Article 6 of that Order) and, in the opinion of the court, the accommodation is reasonably suitable to the needs of the tenant and the tenant's family.]

F11 Sch. 3 Pt. II para. 1A inserted (31.7.2010) by [Housing \(Amendment\) Act \(Northern Ireland\) 2010 \(c. 9\)](#), ss. 9(5)(a), 19(1); S.R. 2010/251, art. 2

2. In determining whether it is reasonably suitable to those needs regard shall be had to—

- (a) the nature of the accommodation which it is the practice of the landlord to allocate to persons with similar needs;
- (b) the distance of the accommodation available from the place of work or education of the tenant and of any members of his family;

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- (c) its distance from the home of any member of the tenant's family if proximity to it is essential to that member's or the tenant's well-being;
- (d) the needs (as regards extent of accommodation) and means of the tenant and his family;
- (e) the terms on which the accommodation is available and the terms of the ^{F12} . . . tenancy;
- (f) if any furniture was provided by the landlord for use under the ^{F13} . . . tenancy, whether furniture is to be provided for use in the other accommodation and, if it is, the nature of that furniture.

F12 Word in Sch. 3 Pt. II para. 2(e) omitted (31.7.2010) by virtue of Housing (Amendment) Act (Northern Ireland) 2010 (c. 9), ss. 9(5)(b), 19(1); S.R. 2010/251, art. 2

F13 Word in Sch. 3 Pt. II para. 2(f) omitted (31.7.2010) by virtue of Housing (Amendment) Act (Northern Ireland) 2010 (c. 9), ss. 9(5)(b), 19(1); S.R. 2010/251, art. 2

3. Where the dwelling-house is let by a registered housing association, a certificate of the Executive certifying that it will provide suitable accommodation for the tenant by a date specified in the certificate shall be conclusive evidence that suitable accommodation will be available for him by that date.

Status:

Point in time view as at 31/07/2010.

Changes to legislation:

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