

Grounds for Repossession





The information provided in this section is a summary of statutory provisions and is for general guidance only. If we intend to act for the recovery of possession of your dwelling, we will discuss the reasons with you first. Four weeks before proceedings for possession begin, we will give you a written notice (Notice Seeking Possession) explaining why we intend to take this action. We will be prepared to meet with you, at any time, to discuss the matter and advise you of ways to remedy the situation.

LEGAL CONSIDERATIONS

If your tenancy is a secure tenancy, we can only seek possession through the courts for the following reasons:

Grounds for Repossession without an Offer of Alternative Accommodation

- ★ Not paying rent or other charges due or breaking any of the conditions of tenancy, as described in the Tenancy Agreement;

- ★ The tenant, or anyone residing in the premises, being a nuisance or causing annoyance to neighbours or being convicted of using the premises for immoral or illegal purposes;
- ★ The tenant, or anyone residing in the premises, damaging or failing to look after the premises, or the common parts also used by other tenants;
- ★ Damage by the tenant or anyone residing in the premises to any furniture/fixtures provided by the Association;
- ★ Obtaining a tenancy by false statement;
- ★ The premises were only provided as temporary accommodation while the tenant's principal home was being renovated and these works are complete.



Grounds for the Association Obtaining Possession with Alternative Accommodation Being Offered

- ★ The premises are to be demolished or require major works which cannot reasonably be carried out without vacant possession;
- ★ The accommodation was designed for a physically disabled person and there is no longer such a person residing in the premises and it is required for letting to such a person;
- ★ The premises are in a group of dwellings let to persons with special needs so that they can be near a service or special facility and there is no longer a person with those needs in the dwelling and it is required for someone who has such needs;
- ★ Where a person has legally succeeded to the tenancy, who is not a spouse of the former tenant, and the premises is larger than needed, the Association can seek possession between 6 and 12 months after the previous tenant's death.

The Court will take into account the age and length of residence of the tenant and the support given by them to the previous tenant.

Obtaining Possession on the Grounds that the Property Appears to be have been Abandoned

- ★ Where the premises are left unoccupied and the Association believes that the tenant does not intend to re-occupy them, the Association may enter the premises to them safe and send notice asking the tenant to clarify their intentions;
- ★ After 4 weeks, if the Association considers it appropriate, a further notice terminating the tenancy may be issued;
- ★ A tenant, who is aggrieved by this action, may appeal to the court within 6 months after the date of termination.

INTRODUCTORY TENANCIES

If we wish to terminate your introductory tenancy, we must first serve a Notice of Intention to Seek Possession and state the reasons why possession is being sought. If you request, within 14 days, we must carry out a review of that decision.