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*Changes to legislation:* There are currently no known outstanding effects for the Rent Act 1977, Cross Heading: Case 11. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 15

#### GROUND FOR POSSESSION OF DWELLING-HOUSES LET ON OR SUBJECT TO PROTECTED OR STATUTORY TENANCIES

##### Modifications etc. (not altering text)

- C1** Sch. 15 applied (with modifications) (31.12.2020) by [The Citizens' Rights \(Application Deadline and Temporary Protection\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1209\)](#), regs. 1(1), **3(4)**, 4(5), 12(1)(d)

#### PART II

#### CASES IN WHICH COURT MUST ORDER POSSESSION WHERE DWELLING-HOUSE SUBJECT TO REGULATED TENANCY

##### Case 11

[<sup>F1</sup>Where a person (in this Case referred to as “the owner-occupier”) who let the dwelling-house on a regulated tenancy had, at any time before the letting, occupied it as his residence] and—

- (a) not later than the relevant date the landlord gave notice in writing to the tenant that possession might be recovered under this Case, and
- (b) the dwelling-house has not, since—
  - (i) 22nd March 1973, in the case of a tenancy which became a regulated tenancy by virtue of section 14 of the <sup>M1</sup>Counter-Inflation Act 1973;
  - (ii) 14th August 1974, in the case of a regulated furnished tenancy; or
  - (iii) 8th December 1965, in the case of any other tenancy,

been let by the owner-occupier on a protected tenancy with respect to which the condition mentioned in paragraph (a) above was not satisfied, and

[<sup>F2</sup>(c) the court is of the opinion that, of the conditions set out in Part V of this Schedule one of those in paragraphs (a) and (c) to (f) is satisfied.]

If the court is of the opinion that, notwithstanding that the condition in paragraph (a) or (b) above is not complied with, it is just and equitable to make and order for possession of the dwelling-house, the court may dispense with the requirements of either or both of those paragraphs, as the case may require.

The giving of a notice before 14th August 1974 under section 79 of the <sup>M2</sup>Rent Act 1968 shall be treated, in the case of a regulated furnished tenancy, as compliance with paragraph (a) of this case. [<sup>F3</sup>Where the dwelling-house has been let by the owner-occupier on a protected tenancy (in this paragraph referred to as “the earlier tenancy”) granted on or after 16th November 1984 but not later than the end of the period of two months beginning with the commencement of the Rent (Amendment) Act 1985 and either—

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- (i) the earlier tenancy was granted for a term certain (whether or not to be followed by a further term or to continue thereafter from year to year or some other period) and was during that term a protected shorthold tenancy as defined in section 52 of the Housing Act <sup>M3</sup>1980, or
- (ii) the conditions mentioned in paragraphs ( a ) to ( c ) of Case 20 were satisfied with respect to the dwelling-house and the earlier tenancy,

then for the purposes of paragraph (b) above the condition in paragraph (a) above is to be treated as having been satisfied with respect to the earlier tenancy.]

#### Textual Amendments

- F1** Sch. 15 Pt.II*Case 11*: Words from “Where” to “residence” substituted for words from the beginning to “tenancy” by [Rent \(Amendment\) Act 1985 \(c. 24, SIF 75:3, 4\), s. 1\(1\)\(4\)](#)
- F2** Case 11 para. (c) substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 66\(1\)\(5\)\(6\)](#)
- F3** Sch. 15 Pt.II*Case 11*: Words added at the end by [Rent \(Amendment\) Act 1985 \(c. 24, SIF 75:3, 4\) s. 1\(2\)\(4\)](#)

#### Marginal Citations

- M1** [1973 c. 9.](#)
- M2** [1968 c. 23.](#)
- M3** [1980 c.51 \(61\).](#)

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