

## SCHEDULES

### SCHEDULE 16

Section 99.

#### FURTHER GROUNDS FOR POSSESSION OF DWELLING-HOUSES LET ON OR SUBJECT TO TENANCIES TO WHICH SECTION 99 APPLIES

##### *CASE I*

##### *Alternative accommodation not provided or arranged by housing authority*

- 1 The court is satisfied that suitable alternative accommodation is available for the tenant, or will be available for him when the order for possession takes effect.
- 2 Accommodation shall be deemed suitable in this Case if it consists of—
- (a) premises which are to be let as a separate dwelling such that they will then be let on a protected tenancy, or
  - (b) premises which are to be let as a separate dwelling on terms which will, in the opinion of the court, afford to the tenant security of tenure reasonably equivalent to the security afforded by Part VII of this Act in the case of a protected tenancy,
- and, in the opinion of the court, the accommodation fulfils the conditions in paragraph 3 below.
- 3 (1) The accommodation must be reasonably suitable to the needs of the tenant and his family as regards proximity to place of work and either—
- (a) similar as regards rental and extent to the accommodation afforded by dwelling-houses provided in the neighbourhood by the housing authority concerned for persons whose needs as regards extent are similar to those of the tenant and his family, or
  - (b) reasonably suitable to the means of the tenant, and to the needs of the tenant and his family as regards extent and character.
- (2) For the purposes of sub-paragraph (1)(a) above, a certificate of the housing authority concerned stating—
- (a) the extent of the accommodation afforded by dwelling-houses provided by the authority to meet the needs of tenants with families of each number as may be specified in the certificate, and
  - (b) the amount of the rent charged by the housing authority concerned for dwelling-houses affording accommodation of that extent,
- shall be conclusive evidence of the facts so stated.
- (3) If any furniture was provided by the landlord for use under the tenancy, furniture must be provided for use in the alternative accommodation which is either similar, or is reasonably suitable to the needs of the tenant and his family.
- 4 Accommodation shall not be deemed to be suitable to the needs of the tenant and his family if the result of their occupation of the accommodation would be that it would be an overcrowded dwelling-house for the purposes of the Housing Act 1957.

- 5 Any document purporting to be a certificate of the housing authority concerned issued for the purposes of this Case and to be signed by the proper officer of the authority shall be received in evidence and, unless the contrary is shown, shall be deemed to be such a certificate without further proof.
- 6 In this Case no account shall be taken of accommodation as respects which an offer has been made, or notice has been given, as mentioned in paragraph 1 of Case II below.
- 7 In this Case and in Case II below " the housing authority concerned " means—
- (a) where the dwelling-house of which vacant possession is required is in a London borough, the council of that borough or the Greater London Council if they have agreed with them to discharge their functions under the Rent (Agriculture) Act 1976 ;
  - (b) in the Isles of Scilly, the Council of those Isles ;
  - (c) in any other area, the local authority having functions under Part V of the Housing Act 1957 in relation to that area.

### *CASE II*

#### *Alternative accommodation provided or arranged by housing authority*

- 1 The housing authority concerned have made an offer in writing to the tenant of alternative accommodation which appears to them to be suitable, specifying the date when the accommodation will be available and the date (not being less than 14 days from the date of offer, by which the offer must be accepted.
- OR
- The housing authority concerned have given notice in writing to the tenant that they have received from a person specified in the notice an offer in writing to rehouse the tenant in alternative accommodation which appears to the housing authority concerned to be suitable, and the notice specifies both the date when the accommodation will be available and the date (not being less than 14 days from the date when the notice was given to the tenant) by which the offer must be accepted.
- 2 The landlord shows that the tenant accepted the offer (by the housing authority or other person) within the time duly specified in the offer.
- OR
- The landlord shows that the tenant did not so accept the offer, and the tenant does not satisfy the court that he acted reasonably in failing to accept the offer.
- 3 (1) The accommodation offered must in the opinion of the court fulfil the conditions of this paragraph.
- (2) The accommodation must be reasonably suitable to the needs of the tenant and his family as regards proximity to place of work.
- (3) The accommodation must be reasonably suitable to the means of the tenant, and to the needs of the tenant and his family as regards extent.
- 4 If the accommodation offered is available for a limited period only, the housing authority's offer or notice under paragraph 1 of this Case must contain an assurance that other accommodation—
- (a) the availability of which is not so limited,

- (b) which appears to them to be suitable, and
  - (c) which fulfils the conditions in paragraph 3 above,
- will be offered to the tenant as soon as practicable.