

Status: Point in time view as at 27/11/2003.

Changes to legislation: Local Government and Housing Act 1989, Cross Heading: Landlord's application for possession is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 10

SECURITY OF TENURE ON ENDING OF LONG RESIDENTIAL TENANCIES

Modifications etc. (not altering text)

C1 Sch. 10 excluded (1.11.1993) by 1993 c. 28, s. 59(2)(b)(i) (with ss. 94(2), 95); S.I. 1993/2134, arts. 2, 5(a)

Landlord's application for possession

- 13 (1) Where a landlord's notice to resume possession has been served on the tenant and either—
- (a) there is an election by the tenant to retain possession, or
 - (b) at the end of the period of two months beginning on the date of service of the notice, the qualifying condition is fulfilled as respects the tenancy,
- the landlord may apply to the court for an order under this paragraph on such of the grounds mentioned in paragraph 5(1) above as may be specified in the notice.
- (2) The court shall not entertain an application under sub-paragraph (1) above unless the application is made—
- (a) within the period of two months beginning on the date of the election by the tenant to retain possession; or
 - (b) if there is no election by the tenant to retain possession, within the period of four months beginning on the date of service of the landlord's notice.
- (3) Where the ground or one of the grounds for claiming possession specified in the landlord's notice is Ground 6 in Part I of Schedule 2 to the 1988 Act, then, if on an application made under sub-paragraph (1) above the court is satisfied that the landlord has established that ground, the court shall order that the tenant shall, on the date of termination, give up possession of the property then let under the tenancy.
- (4) Subject to sub-paragraph (6) below, where the ground or one of the grounds for claiming possession specified in the landlord's notice is any of Grounds 9 to 15 in Part II of Schedule 2 to the 1988 Act or the ground mentioned in paragraph 5(1)(c) above, then, if on an application made under sub-paragraph (1) above the court is satisfied that the landlord has established that ground and that it is reasonable that the landlord should be granted possession, the court shall order that the tenant shall, on the date of termination, give up possession of the property then let under the tenancy.
- (5) Part III of Schedule 2 to the 1988 Act shall have effect for supplementing Ground 9 in that Schedule (as that ground applies in relation to this Schedule) as it has effect for supplementing that ground for the purposes of that Act, subject to the modification that in paragraph 3(1), in the words following paragraph (b) the reference to the assured tenancy in question shall be construed as a reference to the long residential tenancy in question.

Status: Point in time view as at 27/11/2003.

Changes to legislation: Local Government and Housing Act 1989, Cross Heading: Landlord's application for possession is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (6) Where the ground or one of the grounds for claiming possession specified in the landlord's notice is that mentioned in paragraph 5(1)(c) above, the court shall not make the order mentioned in sub-paragraph (4) above on that ground if it is satisfied that, having regard to all the circumstances of the case, including the question whether other accommodation is available for the landlord or the tenant, greater hardship would be caused by making the order than by refusing to make it.
- (7) Where the ground or one of the grounds for claiming possession specified in the landlord's notice is that mentioned in paragraph 5(1)(b) above, then, if on an application made under sub-paragraph (1) above the court is satisfied that the landlord has established that ground and is further satisfied—
- (a) that on that ground possession of those premises will be required by the landlord on the date of termination, and
 - (b) that the landlord has made such preparations (including the obtaining or, if that is not reasonably practicable in the circumstances, preparations relating to the obtaining of any requisite permission or consent, whether from any authority whose permission or consent is required under any enactment or from the owner of any interest in any property) for proceeding with there development as are reasonable in the circumstances,
- the court shall order that the tenant shall, on the date of termination, give up possession of the property then let under the tenancy.
- 14 (1) Where, in a case falling within sub-paragraph (7) of paragraph 13 above, the court is not satisfied as mentioned in that sub-paragraph but would be satisfied if the date of termination of the tenancy had been such date (in this paragraph referred to as "the postponed date") as the court may determine, being a date later, but not more than one year later, than the specified date of termination, the court shall, if the landlord so requires, make an order as mentioned in sub-paragraph (2) below.
- (2) The order referred to in sub-paragraph (1) above is one by which the court specifies the postponed date and orders—
- (a) that the tenancy shall not come to an end on the date of termination but shall continue thereafter, as respects the whole of the property let under the tenancy, at the same rent and in other respects on the same terms as before that date; and
 - (b) that, unless the tenancy comes to an end before the postponed date, the tenant shall on that date give up possession of the property then let under the tenancy.
- (3) Notwithstanding the provisions of paragraph 13 above and the preceding provisions of this paragraph and notwithstanding that there has been an election by the tenant to retain possession, if the court is satisfied, at the date of the hearing, that the qualifying condition is not fulfilled as respects the tenancy, the court shall order that the tenant shall, on the date of termination, give up possession of the property then let under the tenancy.
- (4) Nothing in paragraph 13 above or the preceding provisions of this paragraph shall prejudice any power of the tenant under paragraph 8 above to terminate the tenancy; and sub-paragraph (2) of that paragraph shall apply where the tenancy is continued by an order under sub-paragraph (2) above as it applies where the tenancy is continued by virtue of paragraph 3 above.

Status:

Point in time view as at 27/11/2003.

Changes to legislation:

Local Government and Housing Act 1989, Cross Heading: Landlord's application for possession is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.