



Property

Possession Against Bad Tenant

Three strikes and you're out

Payne Hicks Beach Property Dispute Department have successfully obtained possession of a valuable residential premises in Central London against a secure tenant who had been in occupation of the premises for the past twelve years. Over that time, the tenant had been less than a model tenant, having regularly failed to pay rent on time or at all. As a result, the landlord had incurred the costs of issuing two sets of possession proceedings on the basis of non-payment and persistent delay in payment of rent, and also taken other enforcement steps including bankruptcy proceedings in order to recover previous arrears. In the meantime, there were constant complaints from the tenant's immediate neighbours as to his ongoing unreasonable anti-social behaviour.

The Court was satisfied that taking into account the tenant's unreasonable conduct and nuisance caused by him, it was reasonable to make a possession order and to facilitate the landlord moving back into the premises after twelve years, in spite of the landlord's omission in failing to serve a statutory notice concerning previous residence on the tenant at the commencement of the tenancy and also the fact that there was no written tenancy at all.

Comment

This case illustrates the Court's discretion to take into account the wider circumstances and the history of the landlord and tenant relationship when deciding whether to grant an order for possession, regardless of how long the premises have been the tenant's home.

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This bulletin is not intended to provide a comprehensive statement of the law. It is intended to highlight some issues current at the date of its preparation. Specific advice should always be taken.

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