

Status: Point in time view as at 31/07/2010.

Changes to legislation: There are currently no known outstanding effects for the Housing (Amendment) Act (Northern Ireland) 2010, Section 9. (See end of Document for details)



2010 CHAPTER 9

Introductory tenancies

Abandonment of introductory tenancies

9.—(1) The Order of 2003 shall be amended as follows.

(2) At the beginning of Article 9(1) (proceedings for possession) insert “ Subject to Article 19A(4), ”.

(3) After Article 19 (consultation on matters of housing management) and before the cross-heading immediately preceding Article 20 insert—

“Abandonment of introductory tenancies

Rights of landlord where introductory tenancy appears to have been abandoned

19A.—(1) Where the landlord under an introductory tenancy has reasonable grounds for believing that—

- (a) the dwelling-house is unoccupied, and
- (b) the tenant does not intend to occupy it as his home,

the landlord shall be entitled to enter the dwelling-house at any time for the purpose of making safe the dwelling-house and any fittings, fixtures or furniture.

(2) For the purposes of paragraph (1) the landlord and its servants or agents may open, by force if necessary, any door or window of the dwelling-house.

(3) Where the landlord—

- (a) has entered a dwelling-house under paragraph (1), and

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- (b) wishes to take possession of the dwelling-house,
the landlord shall serve on the tenant a notice in the prescribed form—
- (i) stating that it has reason to believe that the dwelling-house is unoccupied and that the tenant does not intend to occupy it as his home;
 - (ii) requiring the tenant to inform it in writing within 4 weeks of service of the notice if the tenant intends to occupy the dwelling-house as his home; and
 - (iii) informing the tenant that, if it appears to the landlord at the end of that period of 4 weeks that the tenant does not intend so to occupy the dwelling-house, the introductory tenancy will be terminated forthwith.
- (4) Where the landlord has—
- (a) served on the tenant a notice which complies with paragraph (3), and
 - (b) made such inquiries as may be necessary to satisfy the landlord that the dwelling-house is unoccupied and that the tenant does not intend to occupy it as his home,
- and at the end of the period of 4 weeks mentioned in paragraph (3) is so satisfied, it may serve a further notice on the tenant which shall bring the tenancy to an end forthwith.
- (5) Where a tenancy has been terminated under paragraph (4) the landlord shall be entitled to take possession of the dwelling-house forthwith without any further proceedings.
- (6) The Department may by order make provision for the landlord to ensure the safe custody and delivery to the tenant of any property which is found in a dwelling-house to which this Article applies; and in particular—
- (a) for requiring charges to be paid in respect of such property before it is delivered to the tenant, and
 - (b) for authorising the disposal of such property, if the tenant has not arranged for its delivery to the tenant before the expiry of such period as the order may specify and the application of any proceeds towards any costs incurred by the landlord and any rent due but unpaid by the tenant to the landlord.

Tenant's right of appeal against termination of tenancy under Article 19A

19B.—(1) A tenant under an introductory tenancy who is aggrieved by termination of the tenancy by the landlord under Article 19A may appeal to the court within 6 months after the date of the termination.

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(2) Paragraph (3) or (as the case may require) paragraph (4) applies if in proceedings under paragraph (1) it appears to the court that—

- (a) the landlord has failed to comply with any provision of Article 19A, or
- (b) the landlord did not have reasonable grounds for finding that the dwelling-house was unoccupied, or did not have reasonable grounds for finding that the tenant did not intend to occupy it as his home, or
- (c) the landlord was in error in finding that the tenant did not intend to occupy the dwelling-house as his home, and the tenant had reasonable cause, by reason of illness or otherwise, for failing to notify the landlord of the intention so to occupy it.

(3) Where the dwelling-house has not been let to a new tenant, then —

- (a) if the trial period has not expired, the court shall make an order that the introductory tenancy shall continue;
- (b) if the trial period has expired, the court shall make an order that the dwelling house be let as a secure tenancy to the tenant.

(4) In any other case, the court shall direct the landlord to make other suitable accommodation available to the tenant.

(5) Part 2 of Schedule 3 to the Order of 1983 shall have effect to determine whether accommodation is suitable for the purposes of paragraph (4).”

(4) In Article 148(3)(b) (orders and regulations) after the word “regulations” insert “ (other than regulations under Article 19A(3)) ”.

(5) In Part 2 of Schedule 3 to the Order of 1983 (suitability of accommodation)—

(a) after paragraph 1 insert—

“1A For the purposes of Article 19B of the Housing (Northern Ireland) Order 2003, accommodation is suitable if it consists of premises which are to be let as a separate dwelling under an introductory tenancy (within the meaning of Article 6 of that Order) and, in the opinion of the court, the accommodation is reasonably suitable to the needs of the tenant and the tenant's family.”;

(b) in paragraph 2(e) and (f) omit the word “secure”.

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