

SCHEDULES

SCHEDULE 4

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

[^{F1}Part V

Provisions applying to Cases 11, 12 and 18

F1 1983 NI 15

1. In this Part of this Schedule—

“mortgage” includes a charge;

“owner” means, in relation to Case 11, the owner-occupier; and

“successor in title” means any person deriving title from the owner, other than a purchaser for value or a person deriving title from a purchaser for value.

2. The conditions referred to in paragraph (1)(c) of Case 11, in paragraph (c) of Case 12 and in paragraph (e)(ii) of Case 18 are that—

- (a) the dwelling-house is required as a residence for the owner or any member of his family who resided with the owner when he last occupied the dwelling-house as a residence;
- (b) the owner has retired from regular employment and requires the dwelling-house as a residence;
- (c) the owner has died and the dwelling-house is required as a residence for a member of his family who was residing with him at the time of his death;
- (d) the owner has died and the dwelling-house is required by a successor in title as his residence or for the purpose of disposing of it with vacant possession;
- (e) the dwelling-house is subject to a mortgage, made by deed and granted before the tenancy, and the mortgagee—
 - (i) is entitled to exercise a power of sale conferred on him by the mortgage or by section 19 of the Conveyancing Act 1881; and
 - (ii) requires the dwelling-house for the purpose of disposing of it with vacant possession in exercise of that power; and
- (f) the dwelling-house is not reasonably suitable to the needs of the owner, having regard to his place of work, and he requires it for the purpose of disposing of it with vacant possession and of using the proceeds of that disposal in acquiring, as his residence, a dwelling-house which is more suitable to those needs.]

Changes to legislation:

There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978, Part V.