

## SCHEDULES

### SCHEDULE 3

#### GROUNDINGS FOR POSSESSION OF DWELLING-HOUSES LET UNDER SECURE TENANCIES

#### PART II

#### SUITABILITY OF ACCOMMODATION

**Modifications etc. (not altering text)**

**C1** Sch. 3 Pt. II (paras. 1-3) applied by [Housing \(Northern Ireland\) Order 2003 \(S.I. 2003/412 \(N.I. 2\)\)](#), art. 19B(5) (as inserted (31.7.2010) by [Housing \(Amendment\) Act \(Northern Ireland\) 2010 \(c. 9\)](#), ss. 9(3), 19(1); S.R. 2010/251, art. 2)

1.—(1) For the purposes of Chapter II of Part II of this Order, accommodation is suitable if it consists of premises—

- (a) which are to be let as a separate dwelling under a secure tenancy, or
- (b) which are to be let as a separate dwelling under a protected tenancy (other than one of a kind mentioned in sub-paragraph (2)) within the meaning of the Rent (Northern Ireland) Order 1978.

and, in the opinion of the court, the accommodation is reasonably suitable to the needs of the tenant and his family.

(2) The kind of protected tenancy referred to in sub-paragraph (1) is one under which the landlord might recover possession of the dwelling-house under one of the Cases in Part II of Schedule 4 to the said Order of 1978 (cases where court must order possession).

[<sup>F1</sup>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.]

**F1** Sch. 3 Pt. II para. 1A inserted (31.7.2010) by [Housing \(Amendment\) Act \(Northern Ireland\) 2010 \(c. 9\)](#), ss. 9(5)(a), 19(1); S.R. 2010/251, art. 2

2. In determining whether it is reasonably suitable to those needs regard shall be had to—

- (a) the nature of the accommodation which it is the practice of the landlord to allocate to persons with similar needs;
- (b) the distance of the accommodation available from the place of work or education of the tenant and of any members of his family;
- (c) its distance from the home of any member of the tenant's family if proximity to it is essential to that member's or the tenant's well-being;

**Changes to legislation:** There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1983, PART II. (See end of Document for details)

- (d) the needs (as regards extent of accommodation) and means of the tenant and his family;
- (e) the terms on which the accommodation is available and the terms of the <sup>F2</sup> . . . tenancy;
- (f) if any furniture was provided by the landlord for use under the <sup>F3</sup> . . . tenancy, whether furniture is to be provided for use in the other accommodation and, if it is, the nature of that furniture.

**F2** Word in Sch. 3 Pt. II para. 2(e) omitted (31.7.2010) by virtue of [Housing \(Amendment\) Act \(Northern Ireland\) 2010 \(c. 9\)](#), [ss. 9\(5\)\(b\)](#), 19(1); S.R. 2010/251, [art. 2](#)

**F3** Word in Sch. 3 Pt. II para. 2(f) omitted (31.7.2010) by virtue of [Housing \(Amendment\) Act \(Northern Ireland\) 2010 \(c. 9\)](#), [ss. 9\(5\)\(b\)](#), 19(1); S.R. 2010/251, [art. 2](#)

**3.** Where the dwelling-house is let by a registered housing association, a certificate of the Executive certifying that it will provide suitable accommodation for the tenant by a date specified in the certificate shall be conclusive evidence that suitable accommodation will be available for him by that date.

**Changes to legislation:**

There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1983, PART II.