

SCHEDULES

SCHEDULE 4

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

PART IV

SUITABLE ALTERNATIVE ACCOMMODATION

1. For the purposes of Article 13(1)(a), a certificate of the Executive or of a registered housing association certifying that the Executive or the registered housing association, as the case may be, will provide suitable alternative accommodation for the tenant by a date specified in the certificate, shall be conclusive evidence that suitable alternative accommodation will be available for him by that date.

2. Where no such certificate as is mentioned in paragraph 1 is produced to the court, accommodation shall be deemed to be suitable for the purposes of Article 13(1)(a) if it consists of either—

- (a) premises which are to be let as a separate dwelling such that they will then be let on a protected tenancy, or^{F1} (other than one under which the landlord might recover possession of the dwelling-house under one of the Cases in Part II of this Schedule)]
- (b) premises to be let as a separate dwelling on terms which will, in the opinion of the court, afford to the tenant security of tenure reasonably equivalent to the security afforded by Part III of this Order in the case of a protected tenancy^{F1} of a kind mentioned in sub-paragraph (a)].

and, in the opinion of the court, the accommodation fulfils the relevant conditions as defined in paragraph 3.

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3.—(1) For the purposes of paragraph 2, the relevant conditions are that the accommodation is reasonably suitable to the needs of the tenant and his family as regards proximity to place of work, and either—

- (a) similar as regards rental and extent to the accommodation afforded by dwelling-house provided in the neighbourhood by the Executive for persons whose needs as regards extent are, in the opinion of the court, similar to those of the tenant and his family; or
 - (b) reasonably suitable to the means of the tenant and to the needs of the tenant and his family as regards extent and character.
- (2) For the purposes of sub-paragraph (1)(a), a certificate of the Executive stating—
- (a) the extent of the accommodation afforded by dwelling-houses provided by the Executive to meet the needs of tenants with families of such number as may be specified in the certificate, and

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(b) the amount of the rent charged by the Executive for dwelling-houses affording accommodation of that extent,
shall be conclusive evidence of the facts so stated.

4. Accommodation shall not be deemed to be suitable to the needs of the tenant and his family if the result of their occupation of the accommodation would be that it would be an overcrowded dwelling-house for the purposes of the Public Health Acts or the Housing Acts.

5. Any document purporting to be a certificate of the Executive or of a registered housing association named therein issued for the purposes of this Schedule and to be signed by a member of the Executive or by an authorised employee of the Executive or by a member of the committee of the registered housing association, as the case may be, shall be received in evidence and, unless the contrary is shown, shall be deemed to be such a certificate without further proof.

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