

Policy & Procedure for Greenwich Hospital Sheltered Housing staff

H 19(G) – EVICTION

Author: DoH
Approved: GH

Dated: February 2020
Review: February 2025

Background

Although Greenwich Hospital is the owner of the properties, the legal Landlord is the Secretary of State for Defence. For this reason, GSH tenants can only be offered a Crown tenancy¹, which is a common law tenancy that does not fall under the provisions of either the Rent Act 1977 or the Housing Act 1988. Currently the Organisation does not offer probationary tenancies. Therefore, GSH tenants have very little security of tenure and may be evicted should the landlord choose to give written notice² of not less than 4 weeks. However, the charitable purpose of Greenwich Hospital Sheltered Housing is to provide accommodation for its beneficiaries. Therefore, despite the legal status of the tenancies it **must** offer, so far as it is able, the Organisation will offer the same, or (if it is deemed appropriate to meet its charitable aims), an enhanced level of service and protection as would be provided by a registered housing provider.

Policy

The Organisation³ recognises the need to balance its responsibilities to support and manage tenants who are in breach of their agreement terms with those to its wider tenant base. It will provide a flexible, effective and efficient housing management service that reflects best practice, complies with legislation and recognises the rights of tenants. The Organisation also recognises the charitable nature of Greenwich Hospital's aims and objectives. Therefore, eviction of a tenant is an action only instigated where all other appropriate steps to remedy a breach of agreement have been taken and failed, and eviction is the only remaining alternative that is proportionate to the nature of the breach of agreement.

Procedure

Breaches of agreements. The Organisation will strive to prevent and manage breaches of agreements quickly and effectively, taking a multi-agency approach where necessary, based on the principles of Prevention, Support, Intervention and Enforcement. It will always view forfeiture of the tenancy, possession and eviction as a last resort.

CESSAC will always ensure that Greenwich Hospital is informed when a tenant is in breach of their tenancy and the result of the actions taken. Therefore, Greenwich Hospital will only be asked to consider a request to proceed with eviction once those steps have been taken.

In order to try and avoid evicting a tenant, the Organisation will:

- Develop and provide services that will support tenants to maintain their tenancy.
- Engage with the Commitment to Refer scheme, whereby tenants at risk of losing their home are flagged up to the relevant local authority, so that further support may be provided to assist them to maintain their tenancy.

¹ However, where the arrangement still exists, scheme managers may have a licence to occupy a property as part of their employment, to which this policy and procedure would also apply.

² The usual way to end a common law tenancy is to serve a Notice to Quit under the Protection from Eviction Act 1977.

³ Organisation is used because CESSAC is the Managing Agent on behalf of the landlord Greenwich Hospital.

If these measures are unsuccessful, the Organisation will seek possession for irremediable breaches of a tenancy agreement where the tenant shows no intent or commitment to remedying the breach, or if the breach threatens the wellbeing of either the tenant, other tenants and neighbours, or the Organisation.

The Organisation will ensure that tenants who are at risk of eviction, or who are to be evicted, are provided with a full explanation of the reasons why it is requiring them to leave their home. They will also be given information regarding independent sources of advice and supported to access them.

Ending an occupation agreement:

- Occupation agreements may be ended in different ways depending on their type and conditions and (where applicable for a tenancy agreement) in accordance with our policies for Recovery of Rent Arrears (H8) and Anti Social Behaviour (T2). The Greenwich Hospital Sheltered Housing tenancy agreement states the means by which it can be ended.
- The Organisation will not evict a tenant without the authority of a Court unless it is satisfied that the agreement/property has been abandoned (see H18) and, via the Director of Housing, Greenwich Hospital giving authority to proceed.
- Where there has been a breach of either a licence or a tenancy agreement resulting in the Organisation deciding that there is no other option available but to recover possession of the property, approval must be obtained from the Chief Executive Officer and from Greenwich Hospital (generally via the GSHMC). This approval is required before serving a Notice to Quit for breach of either the licence or the tenancy.
- Once eviction action has been approved, Notices to Quit will be hand delivered to ensure that they have been received.
- In order to meet Greenwich Hospital's charitable aims, as outlined above, the Organisation will normally follow the spirit of a 'Section 21' notice by giving two months' written notice within the Notice to Quit. However, the Organisation reserves the right to give one calendar months' notice on a case-by-case basis where a longer notice period would be detrimental either to the tenant, other tenants and neighbours, or to the Organisation.
- Where approval is given to proceed, the tenant will have the right to appeal for either 14 days from the date the notice is served or 14 days from the date advised that the Organisation intend to enforce the notice.
- If following receipt of a Notice to Quit the tenant does not leave their flat, Court proceedings will be issued in order to obtain an Order for Possession to lawfully evict the tenant.
- Tenants who have been served with a Notice to Quit will continue to be liable for use and occupation charges until possession has been obtained.
- Where the Organisation decides to act in order to end a tenancy it will ensure that the resident is given reasonable advice, and is supported so far as is possible with identifying alternative accommodation. This will include signposting to support agencies and, if this hasn't already taken place, to their local authority.
- The Organisation will still consider and reserve the right to execute a warrant to evict following full settlement of any arrears that are owed after Notice has been served, but before Court approval has been received.

Appeals. Appeals should be addressed to the Chief Executive Officer, CESSAC who will liaise with Greenwich Hospital to consider the matter and make a final decision. Where there is an appeal and the Organisation's original decision is upheld, this will be its final decision and no further right of appeal will be granted.

Unlawful occupiers/ Squatters. Unlawful occupation of property belonging to the Organisation is not permitted and it will seek possession of the property through the county court. The unlawful occupier will be liable for use and occupation charges along with the Organisation's costs of legal proceedings. With the assistance of the relevant local authority it may also seek to prosecute any tenant that is subletting their property and apply for an unlawful profit order. Where a squatter is identified the Organisation will rely upon assistance from the police for their removal from the property.

Annexes:

- A. H19Ga – NTQ(GHSH)
- B. H19Gb – NTQ Letter template (GHSH)

Any Related Documents: H08 - Rent Arrears Management, T02 - Anti Social Behaviour involving tenants.

Distribution: DoH, HSM, TSM, SMs, Tenant Policy Folder + File