

Eviction Policy

Date Written: July 2012

Date(s) Reviewed: July 2015; August 2018; August 2021

Purpose:

To set out our commitment to using evictions only as a last resort in dealing with serious breaches of tenancy.

Scope:

Assured non shorthold tenancies
Assured shorthold tenancies (Starter Tenancy)
Protected rights tenancies
Licenses to occupy
Equitable agreements

Definitions:

Eviction – the reversion of possession and removal of the tenant from the property by an officer of the Court

Tenant – person/s with a contractual right to occupy the Association's property

Tenancy – all of the above occupancy agreements

Associated documents:

Arrears Recovery Policy
Anti-Social Behaviour Policy
Tenancy or occupation agreement
Safeguarding Policies
Equality, Diversity and Inclusion Policy

Date for review:

August 2024

Responsibility:

Heads of Service

Policy

1. Introduction

- 1.1 Bernicia, in delivering its objectives of providing affordable housing and sustainable communities, will seek to maintain the security of tenure of its tenants by only using eviction as a last resort.

2. Policy statements

- 2.1 Bernicia will only use eviction as a last resort and only where all endeavours to ensure compliance with the tenancy obligations or statutory requirements have been exhausted.
- 2.2 No one will be evicted from their home as a result of financial hardship, providing they are working or engaging with us to get their payments back on track.
- 2.3 Bernicia will use all grounds for possession as detailed in the Housing Act including both discretionary and mandatory grounds.
- 2.4 The use of mandatory grounds is to be used in exceptional circumstances with the authorisation of the Head of service and the Director of Housing.
- 2.5 Bernicia will ensure that the tenant and other involved parties are kept informed at each stage of the eviction process using personal contact wherever possible.
- 2.6 Where appropriate Bernicia will engage with advice agencies in order that appropriate and early interventions can be made.
- 2.7 Bernicia will treat joint tenants in accordance with their agreement as jointly and severally liable for the breach in tenancy.
- 2.8 Bernicia will ensure proper internal authority is obtained before a warrant of Possession is sought.
- 2.8 Bernicia will treat all tenants in a fair and non-discriminatory way in accordance with our Equality, Diversity and Inclusion Policy.
- 2.9 This policy will be reviewed on a regular basis.

3. Responsibility for implementation

- 3.1 The Director of Housing will be responsible for the effective implementation of this policy and for ensuring that staff are aware of and appropriately trained in our policies and procedures relating to safeguarding, homelessness, tenancy support and the breach of Court Orders.

4. Actioning the policy

- 4.1 This policy will be actioned whenever Bernicia need to regain possession of a property through the legal process.

5. Monitoring the policy

- 5.1 All evictions will be reviewed and recorded as part of the monitoring of performance.

6. Resources

- 6.1 The implementation of this policy will require staff resources to deliver and funds to pay the relevant court application and warrant fees and for any legal advice obtained.

7. Equality and Diversity

- 7.1 In carrying out its services, Bernicia is committed to:
- Treating all customers and employees positively regardless of race, religion or belief, ethnic origin, gender, age, disability, sexual orientation or gender identity
 - Taking seriously all complaints and investigating and responding accordingly
 - Using plain language and providing information in other languages, large print, audio and Braille on request
 - In reviewing this Policy an impact assessment has been completed

Uncontrolled if printed – This may not be the latest version of the policy