

Ground 14 – The Bad Behaviour Ground

What is the ground?

Ground 14 of Schedule 2 of the Housing Act 1988 & 1996 allows a landlord to recover possession where either the tenant or a person staying with or visiting them, causes or is likely to cause a nuisance to someone either living in or visiting the locality. Or they have been convicted of using the property for illegal or immoral purposes or have committed an arrestable offence in or near the property.

This ground would cover noisy parties and abusive behaviour to neighbours or lawful visitors to the property, such as workmen. As long as the conduct was likely to cause a nuisance or annoy the neighbours, the ground will succeed without having to bring the neighbours to Court to prove they were annoyed.

This ground could also be used if the tenant is convicted of using the property as a brothel or for growing or distributing drugs. If the landlord wanted to obtain possession before a criminal case came to Court they would have to rely on ground 12 instead.

What notice is required?

The landlord must have served a section 8 notice that possession is being sought on this ground before any proceedings are issued. However, the landlord can then issue the proceedings immediately as no notice is required.

Is it a mandatory or a discretionary ground?

This is a discretionary ground of possession.