

Ground 11 – The Late Payer Ground

What is the ground?

Ground 11 of Schedule 2 of the Housing Act 1988 & 1996 allows a landlord to recover possession where the tenant is persistently late in paying the rent. This is usually relied on as a back up to grounds 8 and 10. There do not have to be arrears at the time of service of any notice, commencement of proceedings or the possession hearing as long as it can be established that the tenant has either failed to pay rent for an extended period or has been persistently late in paying rent.

What notice is required?

The landlord must have served a section 8 notice giving at least 2 weeks notice that possession is being sought on this ground before any proceedings are issued.

Is it a mandatory or a discretionary ground?

This is a discretionary ground of possession.