

# T3 Residential Limited

## Eviction Policy

### 1 Introduction

- 1.1 T3 Residential Limited (“**T3 Residential**”) is committed to sustaining tenancies and supporting tenants to remain in their homes.
- 1.2 However, we recognise that we need to balance support for tenants to remain in their homes with our wider responsibilities as a landlord for viability, to protect our assets and communities.

### 2 Legal and Regulatory Responsibilities (not exhaustive)

- 2.1 This policy is aligned with the following legislative and regulatory requirements:
- Housing Acts 1985, 1988, 1996;
  - Housing Deregulation Act 2015;
  - Protection from Eviction Act 1977;
  - Landlord and Tenant Act 1997;
  - Civil Procedure Rules 1998;
  - County Courts Act 1984;
  - Human Rights Act 1998;
  - Equality Act 2010;
  - Anti-Social Behaviour, Crime and Policing Act 2014;
  - Regulator of Social Housing’s Neighbourhood and Community Standard; and
  - Regulator of Social Housing’s Tenancy Standard.

### 3 Aims and Objectives

- 3.1 T3 Residential aims to balance our desire to sustain tenancies and minimise the number of evictions with the need to maintain financial viability, protect our assets and to support other tenants and the wider community.

### 4 Our Approach

- 4.1 Where T3 Residential becomes aware of a breach of tenancy, tenants will be notified promptly of the suspected breach. Officers will work with the tenant to ensure they are aware of the details of the breach, the behaviours or actions needed to rectify the breach and the potential consequences of not doing so.
- 4.2 Officers will work with tenants to try and rectify the breach including signposting to support services who may be able to assist. The focus of intervention with the tenant will be to aim to sustain the tenancy and to avoid unnecessary evictions. We will advise tenants to seek their own independent legal advice and signpost suitable organisations e.g. Citizens Advice Centre, local law centres.
- 4.3 Where all reasonable, appropriate steps have been taken to remedy a breach of tenancy conditions and these have failed, we may apply to the Courts to take possession proceedings to evict a tenant. Eviction will only be taken when there is no alternative option, and the action is reasonable and proportionate to the nature of the tenancy breach.
- 4.4 In cases where there is high level anti-social behaviour or criminal activity, including those related to hate incidents, and other tenants or staff are at significant risk, we will consider taking immediate legal action, in line with legislation, to protect staff, tenants and property.

- 4.5 Approval to commence possession proceedings or to apply for a warrant for eviction must be obtained from the Managing Agents Regional Director prior to action being commenced.
- 4.6 During the process of seeking possession of the property, we will continue to work with the tenant to address the breach of tenancy and avoid eviction.
- 4.7 We will ensure that tenants who are at risk of eviction, or who are being evicted, are provided with a detailed explanation of why T3 Residential is taking the action and the reasons why the tenant is required to leave their home.
- 4.8 A tenant will not be evicted without the authority of the Court, unless we are satisfied that a tenancy/property has been abandoned.
- 4.9 T3 Residential will provide tenants who are facing eviction with advice and assistance about housing options before the tenancy ends.
- 4.10 Where it is identified that the tenant(s) or their household are vulnerable, we will notify the local authority homeless department of the pending eviction.
- 4.11 Where necessary, and reasonable and proportionate to do so, we will seek possession of properties for breaches of tenancy including but not limited to, the non-payment of charges lawfully due, anti-social or criminal behaviour or property damage.
- 4.12 T3 Residential may consider other legal remedies, if appropriate, before possession action is taken, including civil injunctions.
- 4.13 Where a tenant or their household is vulnerable, we will undertake a proportionality/justification exercise prior to commencing possession action.
- 5 **Eviction**
  - 5.1 Where a tenant is due to be evicted, we will write to the tenant to confirm the date and time of the eviction.
  - 5.2 If we are aware that the tenant due to be evicted may display challenging behaviour or there is a risk of violence we will notify the bailiffs' office in advance of the eviction. We will arrange for any necessary support to attend on site, for example the Police where challenges are expected.
  - 5.3 T3 Residential will attend at the property in time for the eviction to meet the bailiff. At the eviction, lock changes will be completed on all external doors and all entry points secured.
  - 5.4 During the eviction process, where a tenant may start to address the behaviour, for example, pay some of the outstanding debt or the anti-social behaviour perpetrator leave the home etc. they will be advised that they can apply to the County Court for a suspension of the eviction. In these circumstances, we will consider whether to agree to the suspension or whether to attend the hearing and oppose any suspension. This will depend on the severity of the breaches of the tenancy and the sustainability of any actions the tenant has taken to suspend the warrant.
- 6 **Equality, Diversity and Inclusion**
  - 6.1 We recognise that some individuals may require additional support.
  - 6.2 We will signpost such tenants to support services and we will ensure that any action taken is reasonable and proportionate.
- 7 **Complaints and Appeals**

7.1 If any party is not satisfied with any actions taken under this policy or wish to appeal any decision, they may raise a complaint through our Complaints Policy.

7.2 This does not affect their statutory right to seek their own independent legal advice or to appeal to the County Court.

## 8 Policy Review

8.1 The board is responsible for ensuring this policy is kept up to date, implemented within the organisation and monitored and evaluated.

8.2 This policy will be reviewed every two years, or more frequently as a result of an incident occurring, feedback obtained, internal/external audits and change in legislation or regulation. This process ensures the policy continues to be appropriate, adequate and effective.

## 9 Background Documents

9.1 This policy should be read in conjunction with the following policy documents:

- Complaints Policy;
- Data Protection Policy;
- Privacy Statement;
- Equality, Diversity and Inclusion Policy;
- Tenancy and Tenure Policy; and
- Anti-Social Behaviour Policy.

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