



Andy Gale

The mandatory grounds most likely to be seen by Housing Options Services

For mandatory grounds, if evidence of the ground used is proven then the court must grant possession

Grounds 1-8 are mandatory and when you include sub grounds it adds up to 26 mandatory grounds

However, Council Housing Options Services are likely to see tenants presenting having been served a Section 8 notice based on around 7 of the mandatory grounds.

The 7 mandatory grounds most likely to be seen by a council's Housing Options Service

GROUND 1: Occupation by landlord or family

GROUND 1A: Sale of dwelling house

GROUND 2: Sale by mortgagee

GROUND 6: Redevelopment

GROUND 6B: Compliance with enforcement action

GROUND 7A: Severe anti-social behaviour/criminal behaviour

GROUND 8: Serious rent arrears

We will now look at the details for each of these grounds in the order they are most likely to be seen by a Housing Options Service

Ground 1: Occupation by the landlord or close family /1

A landlord must give 4 months' notice to a tenant if they wish to have the property back for occupation by themselves or family.

The relevant date (i.e. when the 4 months' notice period expires) cannot be until after the first 12 months of the tenancy – this is called the **protected period**.

The definition of family is the landlord's spouse, civil partner, or a person with whom they live as if married or in a civil partnership (and that person's children and grandchildren).

- It also includes the landlord's parents, grandparents, siblings, children, or grandchildren.
- It doesn't include nieces, nephews, uncles and aunties.
- It also includes "a relationship of the half-blood".

Ground 1: Occupation by the landlord or close family /2

The landlord will then not be able to market or offer the property for letting or give a licence to occupy such as Airbnb for a **restricted period**.

- The restricted period starting from the date the notice is served, and ending 12 months after the date the notice period expires, or 12 months from the issue of any particulars of claim for a possession claim.

Ground 1A – Needing the property back to sell /1

A landlord must give 4 months' notice to a tenant if they wish to sell the property.

The relevant date (i.e. when the 4 months' notice period expires) cannot be until after the first 12 months of the tenancy – this is called the **protected period**.

The landlord will then not be able to market or offer the property for letting or give a licence to occupy such as Airbnb for a **restricted period**.

- The restricted period starting from the date the notice is served, and ending 12 months after the date the notice period expires, or 12 months from the issue of any particulars of claim for a possession claim.

Ground 1A – Needing the property back to sell /2

This means landlords will be forbidden from re-letting or even marketing the property for up to 16 months from the date the notice is served (and perhaps longer if the tenants don't leave and the particulars of claim has to be served as part of the possession process).

The 12 months protected period will run from the start of any new tenancy, including new tenancies signed before the Renters' Rights Act commenced.

.

Ground 8: Rent arrears

The mandatory rent arrears Ground 8 has been changed by the RRA to make it more difficult to evict tenants for low levels of rent arrears.

- The minimum notice period has been increased from two weeks to four weeks.
- The threshold for rent owed before a notice can be issued is now 3 months, from 2 months, or 13 weeks arrears for weekly tenancies.
- Tenants must be 13 weeks or 3 months in arrears both when notice is served and at the start of the possession hearing.

The courts are instructed to disregard arrears that should have been paid by a universal credit housing costs entitlement and can adjourn a claim if the court needs more evidence about a tenant's benefit claim but limited to cases where a benefit claim has already been made and a decision issued.

Ground 6: Required back for redevelopment by a landlord

4 months notice required

The landlord has to show they are going to demolish or reconstruct the whole or a substantial part of the property – i.e. not putting in a new kitchen

They also need to provide evidence to the Court why the work cannot be done with the tenants reasonably remaining in the property

Evidence that a Landlord may need to provide to the Court could be:

- Nature and extent of proposed works
- Planning permissions obtained or applied for
- Why works cannot be done with tenant in occupation
- For social landlords: details of alternative accommodation to be provided

Ground 6B: Compliance with enforcement action /1

4 months' notice required

Used where a landlord is obliged to recover possession in any of the following circumstances:

- Breach of a banning order
- Where the hazard (HHSRS) of overcrowding exists and the local housing authority has served an improvement notice
- A prohibition order
- HMO licence, or a licence under a selective licensing scheme, was refused or the licence revoked
- The property is occupied by more than the number of people specified in the HMO licence.
- Compliance with planning enforcement is incompatible with continued occupation of the dwelling-house by the tenant

Ground 6B: Compliance with enforcement action /2

Evidence likely to need to be provided to the Court includes:

- Type of enforcement action (improvement notice, prohibition order, banning order, etc.)
- Date of enforcement notice/order
- Works or actions required
- Why vacant possession is necessary
- Compensation offered to tenant (if any)

Ground 7A: Severe anti-social behaviour / criminal behaviour /1

No notice period required

Ground 7A is for cases where serious anti-social behaviour/criminal activity has already been established

The types of offences and orders likely to result in possession being granted include:

- Conviction of a serious offence (e.g., murder, sexual offences, violence).
- Breach of an Injunction to Prevent Nuisance or Annoyance (IPNA).
- Breach of a Criminal Behaviour Order (CBO).
- A Closure Order has been made on the property.
- Conviction for noise nuisance

Ground 7A: Severe anti-social behaviour / criminal behaviour /2

Evidence likely to be required by a Court includes:

- Nature of conviction/breach/closure order
- Date of conviction/breach/order
- Court details and case number
- Copy of conviction/order
- Details of offence or breach]

Ground 2 – Sale required by a Mortgagee

4 months' notice required

This is an amended ground by the RRA

Prior to the RRA a lender could only rely on statutory rights of termination if their charge was in place before the AST was granted and if a ground 2 notice was served on the tenant before the AST commenced.

From 1 May 2026, any lender can terminate a tenancy on 4 months' notice in the event of a repossession without worrying about when the tenancy was granted or whether the tenant is on notice.

.