**Grounds for refusal under for all tenancies created after 1st April 2012**

**Ground 1:**

This ground is that any rent lawfully due from a tenant under one of the existing tenancies has not been paid.

**Ground 2:**

This ground is that an obligation under one of the existing tenancies has been broken or not performed.

**Ground 3:**

This ground is that any of the relevant tenants is subject to an order of the court for possession of the dwelling-house let on that tenant’s

existing tenancy.

**Ground 4:**

(1) This ground is that either of the following conditions is met.

(2) The first condition is that—

(a) proceedings have begun for possession of a dwelling-house let on

an existing tenancy which is a secure tenancy, and

(b) possession is sought on one or more of grounds 1 to 6 in Part 1 of

Schedule 2 to the Housing Act 1985 (grounds on which possession

may be ordered despite absence of suitable accommodation).

(3) The second condition is that—

(a) a notice has been served on a relevant tenant under section 83 of

that Act (notice of proceedings for possession), and

(b) the notice specifies one or more of those grounds and is still in

force.

**Ground 5:**

(1) This ground is that either of the following conditions is met.

(2)The first condition is that—

(a) proceedings have begun for possession of a dwelling-house let on

an existing tenancy which is an assured tenancy, and

(b) possession is sought on one or more of the grounds in Part 2 of

Schedule 2 to the Housing Act 1988 (grounds on which the court may

order possession)

(3)The second condition is that—

(a) a notice has been served on a relevant tenant under section 8 of that

Act (notice of proceedings for possession), and

(b) the notice specifies one or more of those grounds and is still in force.

**Ground 6:**

(1)This ground is that either of the following conditions is met.

(2)The first condition is that a relevant order or suspended Ground 2 or

14 possession order is in force in respect of a relevant tenant or a

person residing with a relevant tenant.

(3)The second condition is that an application is pending before any

court for a relevant order, a demotion order or a Ground 2 or 14

possession order to be made in respect of a relevant tenant or a

person residing with a relevant tenant.

(4) In this paragraph—

* a “relevant order” means—

(a) an injunction under section 152 of the Housing Act 1996 (injunctions

against anti-social behaviour),

(b) an injunction to which a power of arrest is attached by virtue of section

153 of that Act (other injunctions against anti-social behaviour),

(c) an injunction under section 153A, 153B or 153D of that Act (injunctions

against anti-social behaviour on application of certain social

landlords),

(d) an anti-social behaviour order under section 1 of the Crime and

Disorder Act 1998, or

(e) an injunction to which a power of arrest is attached by virtue of section

91 of the Anti-social Behaviour Act 2003;

* a “demotion order” means a demotion order under section 82A of the

Housing Act 1985 or section 6A of the Housing Act 1988;

 a “Ground 2 or 14 possession order” means an order for possession

under Ground 2 in Schedule 2 to the Housing Act 1985 or Ground 14

in Schedule 2 to the Housing Act 1988.

**Ground 7:**

This ground is that the accommodation afforded by the dwelling-house proposed to be let on the new tenancy is substantially more extensive than is reasonably required by the existing tenant or tenants to whom the

tenancy is proposed to be granted. See **\*\*** at the end of Section 11

**Ground 8:**

This ground is that the extent of the accommodation afforded by the dwelling-house proposed to be let on the new tenancy is not reasonably

suitable to the needs of—

(a) the existing tenant or tenants to whom the tenancy is proposed to be

granted, and

(b) the family of that tenant or those tenants.

**Ground 9:**

(1)This ground is that the dwelling house proposed to be let on the new tenancy meets both of the following conditions.

(2) The first condition is that the dwelling-house—

(a) forms part of or is within the curtilage of a building that, or so much of it

as is held by the landlord—

(i) is held mainly for purposes other than housing purposes, and

(ii) consists mainly of accommodation other than housing accommodation,

or

(b) is situated in a cemetery.

(3)The second condition is that the dwelling-house was let to any tenant

under the existing tenancy of that dwelling-house, or a predecessor in title

of the tenant, in consequence of the tenant or the predecessor being in the

employment of—

(a) the landlord under the tenancy,

(b) a local authority,

(c) a development corporation,

(d) a housing action trust,

(e) an urban development corporation, or

(f) the governors of an aided school.

**Ground 10:**

This ground is that the landlord is a charity and the occupation of the dwelling-house proposed to be let on the new tenancy by the relevant

tenant or tenants to whom the new tenancy is proposed to be granted

would conflict with the objects of the charity.

**Ground 11:**

(1) This ground is that both of the following conditions are met.

(2)The first condition is that the dwelling-house proposed to be let on the

new tenancy has features that—

(a) are substantially different from those of ordinary dwelling-houses, and

(b) are designed to make it suitable for occupation by a physically disabled

person who requires accommodation of the kind provided by the dwelling house.

(3) The second condition is that if the new tenancy were granted there would

no longer be such a person residing in the dwelling-house.

**Ground 12:**

(1) This ground is that both of the following conditions are met.

(2)The first condition is that the landlord is a housing association or housing

trust which lets dwelling-houses only for occupation (alone or with others) by

persons whose circumstances (other than merely financial circumstances)

make it especially difficult for them to meet their need for housing.

(3)The second condition is that, if the new tenancy were granted, there

would no longer be such a person residing in the dwelling-house proposed

to be let on the new tenancy.

**Ground 13:**

(1) This ground is that all of the following conditions are met.

(2)The first condition is that the dwelling-house proposed to be let on the

new tenancy is one of a group of dwelling-houses which it is the practice of

the landlord to let for occupation by persons with special needs.

(3)The second condition is that a social service or special facility is provided

in close proximity to the group of dwelling-houses to assist persons with

those special needs.

(4)The third condition is that if the new tenancy were granted there would no

longer be a person with those special needs residing in the dwelling-house.

**Ground 14:**

(1) This ground is that all of the following conditions are met.

(2)The first condition is that—

(a) the dwelling-house proposed to be let on the new tenancy is the subject

of a management agreement under which the manager is a housing

association, and

(b) at least half the members of the association are tenants of dwelling houses

subject to the agreement.

(3) The second condition is that at least half the tenants of the dwelling houses are members of the association.

(4) The third condition is that no relevant tenant to whom the new tenancy is

proposed to be granted is, or is willing to become, a member of the

association.

(5)References in this paragraph to a management agreement include a

section 247 or 249 arrangement as defined by 250A (6) of the Housing and

Regeneration Act 2008.

**\*\* The council has adopted the following guidelines as the definition of ‘substantially’ under-occupying**

*The definition of ‘substantially’ under-occupying a property is having more than one bedroom more than the household needs. For example: A single person / couple living in a one bedroom property may be allowed to exchange into a two bedroom property because there is only one bedroom more than their needs. However permission to move into a three bedroom property will be refused because the three bedroom house has two bedrooms more than their needs.*

*In the case of families with children*

*A couple/single parent with 2 children of the same sex would be able to exchange to a 3 bed house but not a 4 bed.*

*A couple/single parent with 3 children would be able to exchange to a 3 or 4 bed house.*