Housing Rights

https://www.housingrights.org.uk/housing-advice/eviction/eviction-social-tenancy

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Eviction from a social tenancy

This information is for people living in Northern Ireland.

A social landlord can be:

- the Housing Executive, or
- a housing association

If you have a private landlord who is trying to evict you, you can find advice here.

Social landlords have to try to fix a problem before they evict you. They must follow a process. This is sometimes called a ‘pre-action protocol’.

The process depends on if you’ve been a tenant for:

- more than one year. Then you are a ‘secure social tenant’, or
- less than one year. You will be an ‘introductory tenant’

Secure tenants

If your landlord is trying to evict you, you should speak to our advisers as soon as possible. They can help you try to work things out and find ways to keep you in your home.

Social tenants who lived in social housing for one year or more are called secure tenants.

Your landlord needs a reason to evict you. They cannot evict you unless they have a reason.

Reasons they can evict you include if:

- you owe them rent
- you told them you would pay rent arrears, but did not keep the payment plan
- neighbours have complained about your behaviour
- your property appears damaged or neglected
- they believe you lied on your housing application
- it looks like you have abandoned your tenancy

Sometimes, a social landlord might want to move you to another property. They can do this if:

- they're redeveloping your home or neighbourhood
- your home is adapted for a disability but no one in your household needs it

Working things out before evicting a secure tenant

Your landlord should try to help you work things out. This includes:

- encouraging you to get money and debt advice
- helping you work out and **manage a budget**
- working out a payment plan

Before taking action to evict you for **antisocial behaviour**, your social landlord should:

- look into the complaints against you
- use antisocial behaviour policies to work out the problem

Your landlord should contact social services before starting an eviction if there are:

- children in your household
- vulnerable adults in your household

Notice seeking possession for a secure tenant

First, your landlord must write to say they want to evict you and give you 28 days to leave. This is called a 'notice seeking possession.'

If you do not leave within 28 days, your landlord must ask the county court for a hearing. They must do this within 12 months of when you got the notice.

This does not apply if you are accused of antisocial behaviour. They do not have to wait 28 days to ask the county court for a hearing in this case.

Eviction court date for a secure tenant

Your landlord or their solicitor will send you a legal document called a Civil Bill. This is to tell you they'll apply for a court order. You have 21 days to respond.

After 21 days, the landlord can ask for a court hearing.

Eviction hearing for a secure tenant

You'll get a notice with a court date and location. Hearings can be held online or in person at the county court. If you need help, you can ask whether someone from Housing Rights is there on the day to represent you.

Make sure to show up early or be online by the time listed on your notice.

Your case will be called '[your landlord's name] versus [your name].'

For example, 'Northern Ireland Housing Executive versus Jane Smith.'

The judge will explain the process to you. Your landlord's solicitor or housing officer speaks first. Then, the judge will ask you some questions. You or your solicitor can explain:

- reasons you broke your agreement
- changes in your situation that mean you will not do it again (for example, getting a new job)
- difficulties you, or someone in your household, would face if you had to leave

Speak to our advisers as soon as possible if you know you have to go to court. There may be help available, or they can advise on options you may have.

Decisions for secure tenant evictions

At the hearing, the judge will review your information and speak to you and your landlord. If they order you to leave, you will get a Possession Order. The judge can order you to leave if:

- your landlord followed the proper process
- you broke your tenancy agreement
- they think it's reasonable to evict you

The judge can also decide to:

- strike out the case
- postpone the case to a later date (for example, to help you get advice or more information)
- let you stay if you keep to certain conditions (called a ‘Stayed Possession Order’)

Get advice before you make an agreement with the court. Make sure you understand the conditions of staying in your home. It will help you make sure you can stick to them.

Enforcing an eviction for secure tenants

Your landlord might decide to go ahead with the eviction. They will need to apply to the Enforcement Judgments Office (EJO) to do this. The EJO are in charge of managing the eviction.

Up until your eviction date, you can still speak to our advisers and work on finding a way to stay in your home.

Introductory tenants

You are an introductory tenant if you have lived in social housing for less than a year. During this time, you’re in a trial period for your tenancy and have fewer rights than secure tenants.

Reasons for evicting introductory tenants

Your social landlord usually still needs a reason to evict you. For example, if you:

- break your agreement
- do not pay your rent
- caused antisocial behaviour

Giving notice for an introductory social tenant

Your landlord must give you a notice with information including:

- why they want to end your tenancy
- your right to ask for a review

- when the review will happen and when you can expect a result
- any court date must be at least 28 days after you receive the notice
- where you can go for help and advice

You have 14 days to tell your landlord if you want a review. If you do not ask for a review within that time, your landlord will go to court to evict you.

Eviction review for an introductory social tenant

If your landlord agrees to review your case, you'll either:

- meet in person with your landlord to talk things through. Contact our advisers first if you know this is happening
- have your landlord review your file. You may be able to send additional statements and documents to support your case

After the review, your landlord can decide to either:

- move ahead with ending your tenancy, or
- let you continue your introductory tenancy

Eviction hearing for an introductory social tenant

The judge usually lets your landlord evict you when they follow the proper process. This includes giving you:

- a notice at least 28 days before they filed the paperwork for court
- an opportunity for a review

The court can only stop the eviction if the landlord's actions are disproportionate.

More advice

- Illegal eviction and harassment
- Spitting from your partner
- Abandonment of a social tenancy