

# Renters' Voice!

Policy Consultation Response  
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## Renters' Voice Response:

### Chartered Institute of Housing 'Notice to Quit' (NTQ) periods for Private Rental Sector in NI' Survey

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#### Introduction

Renters' Voice is a project for people renting from a private landlord or letting agent who want to improve things for private tenants in Northern Ireland. We are supported by Housing Rights and funded by the Nationwide Foundation, but our voice is our own. Ideally, **Renter's Voice wants to see an end to no-fault evictions and to have indefinite tenancies**, like in Scotland, where private tenancies can only be ended in certain circumstances. Nevertheless, while no-fault evictions are still possible, Renters' Voice believes it is vital that private renters are given 6 months' minimum notice to leave their homes.

While the above remains our ideal position, in this response we have outlined our thoughts on what we would like to see with regard to exceptions to Notice to Quit periods, in the context of extended notice to quit periods outlined below, due to be introduced under the Private Tenancies Act:

Length of tenancy	Notice period
Up to 12 months	8 weeks
More than 12 months up to 3 years	4 months
More than 3 years up to 8 years	6 months
More than 8 years	7 months

#### Overarching concerns regarding the survey questions

Before responding to the individual questions, we felt it was important to highlight our overarching concerns about the survey questions. We appreciate that the Chartered

Institute of Housing is collecting the views of tenants, landlords and stakeholders on a very important issue. However, we feel that the methodology of the survey was flawed as binary checkbox-style answers or numerical ranking systems found in the survey are too simplistic when dealing with complex issues such as anti-social behaviour, criminal damage, domestic abuse etc.

We are concerned therefore that the data gleaned from the survey could be construed as support for a harshly punitive legal framework for private renters in Northern Ireland in a market where the balance of power is still heavily weighted to landlords.

### 1. Are you...

- A private tenant living in Northern Ireland
- A landlord of a residential property in Northern Ireland
- An organisation representing tenants' interests in Northern Ireland
- An organisation representing landlords' interests in Northern Ireland
- Other (please specify)

### 2. Below are some reasons for shorter notice periods applying in various countries around the world.

*Please rank these from 1 to 11 according to your preference, where 1 is the most serious/urgent issue for which you think the shortest notice period may apply, and 11 is the least serious issue for which a longer notice period may apply.*

**Renter's Voice is concerned about the methodology of this question.** As noted above, we believe that a simple 1 to 11 ranking system can decontextualise the circumstances in which issues can arise in a tenancy.

**Ultimately, Renter's Voice's position is that a shorter notice period is only appropriate when it can be shown that the tenant has engaged in serious anti-social or criminal behaviour, that that has a direct impact either on the property or on other people living in the area.**

**However, even in the above circumstances, we believe that exceptions should only be applied where there is the opportunity for tenants to challenge the reduced notice period via an impartial tribunal or adjudication process.** Landlords should be required to explain in writing why they are applying for the right to issue a reduced notice and how the tenant can begin their challenge against the reduction should they choose to do so. **We believe that a high bar of evidence should be required to successfully reduce the notice period.**

If the above conditions have been met, Renter's Voice believes that a shorter notice period may be appropriate in the following cases:

- Serious anti-social behaviour affecting other tenants and neighbours.
- Illegal use of the property.
- Serious damage to the property.

To this end, Renter's Voice would oppose reduced periods of notice in the following circumstances:

- Serious Rent Arrears.
- Subletting.
- Landlord repossession to sell the property.
- Landlord repossession to carry out major repairs or redevelop the property.
- Repossession by the mortgage lender.
- Landlord repossession to occupy the property<sup>1</sup>

*Serious anti-social behaviour affecting other tenants and neighbours, Illegal use of the property and serious damage to the property.*

As a group of private renters, we understand that anti-social behaviour in our communities can make life difficult for us and other residents. While Renters' Voice accepts that 'Serious anti-social behaviour affecting other tenants and neighbours', 'illegal use of the property' and 'serious damage to the property' are deeply serious issues, we do not feel however that we can simply 'rank' it on a scale to determine how long or short a notice period should be required to end a tenancy. **We believe that a reduced notice period should only ever be used as a last resort to resolve the issue.**

In cases that cover serious antisocial behaviour affecting other tenants and neighbours, serious damage to the property and illegal use of the property, we believe that evidence from relevant statutory organisations should be required for such a tribunal to consider reducing the tenant's notice. In our view this is essential to maintain fairness and to stop landlords from using such exceptions to give a shorter notice period for ulterior purposes, for example selling the property without a sitting tenant to make it more attractive to buyers.

We see this process as even more important given that "serious" can be subjective, and what may "affect" another tenant in a block of flats may not actually be an issue in a semi-detached property for instance and vice versa. For example, someone living in a block of flats will have to expect to live with hearing a certain level of noise compared to someone who lives in a detached bungalow, due to the proximity of other neighbours. Similarly, a tribunal could establish a bar for what is meant by "serious" regarding damage. It could also deliberate on whether it was damage that the tenant is liable for or not.

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<sup>1</sup> As noted below, it may be appropriate to consider shorter notice period if the landlord is at risk of homelessness

### Repossession in order to sell the property and repossession by the mortgage lender.

**Renters' Voice does not believe that a shorter notice period ought to be provided if the landlord intends to repossess the property to sell.** Ultimately, the situation for a tenant (trying to find a new home) is profoundly different from the situation for a landlord whose housing situation is not under threat. Additionally, the process of selling a property can take a long time from listing to auction to agreement. Right now, landlords in Northern Ireland continue to sell their properties with a sitting tenant in them and do not have the option under the current regulations to hasten the eviction process. We don't see why this should not be the case going forward also. We further believe that consideration should be given to a scheme by which landlords and lenders in the case of repossession are incentivised to sell to the tenant first before placing the house on the open market.

**We also believe it would be unfair for a tenant to be provided with a reduced notice period in situations where the landlord is not able to keep up with mortgage payments.** Banks already must provide the correct notice periods to authorised tenants and, in cases where there is a fixed-term contract, lenders actually appoint a receiver to collect rent until the agreement has finished. We would view this as an unnecessary punishment for tenants being given a shorter notice to quit due to the inability of the landlord to keep up with mortgage payments.

### Serious rent arrears

**In the case of "serious" rent arrears, we would oppose any reduction to a tenant's notice period under the proposed framework.** Ideally, Renter's Voice would like to see measures akin to how social housing providers deal with arrears, by which they are required to put mitigations in place to deal with arrears before a notice is even given. In the private rental sector, this could be the landlord setting up a repayment plan with the tenant and referring the tenant to housing or debt advice agencies to get support before a notice is given. Additionally, there is a question about what is meant by "serious" arrears, this would depend on the property portfolio of the landlord as well as the financial circumstances of the tenant. Renters' Voice appreciates that tenants may decide to leave the property themselves earlier in order to avoid accruing more debt. But ultimately as a tenant may be under the potential threat of homelessness, we would not find it inappropriate for a reduced notice to apply.

### Subletting

As outlined above, Renters' Voice does not see any justification for shorter notice periods unless the tenant has engaged in serious anti-social or criminal behaviour that has a direct impact either on the property or on other people living in the area. **We would therefore oppose any reduction in notice periods for subletting.**

### Landlord repossession to occupy the property.

**In general, we do not believe it to be appropriate for shorter notice periods to apply should the landlord wish to occupy the property.** However, in certain limited

**circumstances, it may be appropriate for a shorter notice period to apply should the landlord themselves be at risk of homelessness** if they do not move into the property within a certain time frame.

We believe that a tribunal may be appropriate to deliberate on whether this is the case, and it would be important that a high bar of evidence is required to show that the landlord intends to occupy the property as their principal home and is at risk of homelessness. We would like to see consideration given to whether the landlord has exhausted all other options including assisting the tenant in securing other accommodation.

Landlord repossession to carry out major repairs or redevelop the property.

**Renters' Voice does not feel it would be appropriate or fair for the landlord to provide a reduced notice to a tenant on the basis that the landlord is redeveloping the property or carrying out a major repair.**

Should there be a serious issue that needs to be repaired to ensure the property is safe, a landlord already has the right to access the property to carry out any major repairs. If a tenant refuses access, a landlord can request an injunction to access the property and carry out the repairs. Furthermore, as redeveloping the property outside of essential repairs is usually done to increase the value of the property for re-letting purposes or to even sell the property, **Renters' Voice strongly believes that this should not enable the landlord to issue a shorter notice.**

Domestic Violence

Renters' Voice believes it is crucial to protect victims of domestic violence. As such we believe that Domestic Violence **should not be treated along the same lines as the other issues listed**. Additionally, Renters' Voice expresses deep concern that, if a landlord has the power to end a tenancy early via a reduced notice, domestic violence victims may be worse off. As getting access to a woman's refuge can often be a slow process, we believe that the **landlord should have the power to initiate a process in which the victim of domestic violence can take over the tenancy** in the case of a joint tenant or subtenant rather than simply ending the tenancy early and potentially making victims homeless. This is particularly important given the barriers to accessing private tenancies that can be faced by victims of domestic violence. One of our group members shared their experience on the matter:

*"Once a landlord learns you have been a victim of domestic violence, they will often covertly discriminate against offering you a tenancy. If they see your address is a refuge or hostel, they start asking you questions as to why you are homeless. They will demand to know if your abuser will cause trouble at "their" (aka the property to let) door and presume their property will be damaged or fear the PSNI will be constantly at your door. There is still a stigma in this country surrounding victims of domestic violence, you have lost everything and the struggle to secure housing is exceptionally hard"*

It is also important to consider the gendered element of domestic violence. A majority of victims of domestic violence are women. A policy that permits exceptions to NTQ periods in

cases of domestic violence, with the same penalty applied to both perpetrator and victim, is potentially discriminatory.

**As such, we believe that the perpetrator of domestic violence alone ought to be issued with a shorter notice to quit but not the victim.** We believe this would be the best outcome in protecting victims who wish to remain in the property or providing them enough time to find new accommodation not privy to their abuser.

**3. Some people talk about ‘minor’ anti-social behaviour and ‘serious’ anti-social behaviour. Which of the following would you consider to be ‘serious’ anti-social behaviour? Please select all that apply.**

**&**

**4. Would you support or oppose shorter notice periods for private tenants who commit serious anti-social behaviour?**

**Renters’ Voice again is concerned about the methodology of this question.** Renters’ Voice believes that we may be at risk of creating a “two-tiered” justice system for private tenants, where private renters can be doubly punished by being given a shorter notice period, for the same crime that a social tenant or a homeowner may commit. A lot of the examples presented in question 3 are general offences, not necessarily offences specific to the tenancy where the **tenant has engaged in serious anti-social or criminal behaviour, that has a direct impact either on the property or on other people living in the area.**

Renters’ Voice wants to reiterate that we do not condone antisocial behaviour. We care deeply about our communities and want to see them flourish, however as private tenants ourselves we are concerned that the way these questions are presented does not account for the complexities of these issues. Additionally, we are concerned that the survey plays on fears and stereotypes about private renters and working-class communities in general. We are confused as to why “begging” has been included in the same list as violence for example.

We would feel uncomfortable, for the reasons outlined above, to answer questions 3 and 4 as definitively as the survey requires. On principle, again, Renters’ Voice accepts that anti-social behaviour that has a direct impact either on the property or on other people living in the area may justify a shorter notice. However, we are concerned that without a proper adjudication process available to tenants and landlords these accusations could become justifications in and of themselves to issue a shorter notice than what would normally be required. It is therefore important that an adjudication process is available.

We believe that if there is a distinction between “serious” and “minor” anti-social behaviour in the context of exceptions to tenants, serious should be reserved for situations where the **tenant has engaged in serious anti-social or criminal behaviour, that has a direct impact either on the property or on other people living in the area.**

**As such we believe that Criminal Damage, Dealing Drugs, Violence/threat of violence, Hate Behaviour and Intimidation, if it has a direct impact either on the property or on other people living in the area, could justify shorter notice periods so-long as the tenant has a right to challenge such claims through an adjudication process.**

***5. Some people talk about ‘minor’ rent arrears and ‘serious’ rent arrears. Which of the following would you consider to be ‘serious’ rent arrears? Is it a time frame, monetary amount, late payment, or a mix? Please select all that apply.***

**&**

***6. Would you support or oppose shorter notice periods for private tenants who have serious rent-arrears?***

**Renters’ Voice believes that it is unhelpful to numerically quantify ‘minor’ and ‘serious’ arrears in the way presented in the survey.** As touched on earlier, we believe that what is considered ‘serious’ or ‘minor’ should depend on the tenant's circumstances.

Again, **Renters’ Voice’s position is that a shorter notice period is only appropriate when it can be shown that the tenant has engaged in serious anti-social or criminal behaviour, that has a direct impact either on the property or on other people living in the area.** Therefore, we would not support **shorter notice periods for private tenants who have any rent arrears.** Renters’ Voice would like to see measures akin to how social housing providers deal with arrears, by which they are required to put mitigations in place to deal with arrears before a notice is even given. In the private rental sector, this could be the landlord setting up a repayment plan with the tenant and referring the tenant to housing or debt advice agencies to get support before a notice is given.

In the absence of this process, we feel it would be particularly inappropriate for shorter notice periods to apply in cases of rent arrears. It is important to consider rent arrears in the context of Local Housing Allowance being frozen across Northern Ireland since 2020, whilst the average cost of Rentals rising at a rate of 9.9%% annually<sup>2</sup>. Renters’ Voice’s own Cost of Living research found that tenants are struggling to cover all of their bills, and despite this they are prioritising rent above essentials such as food and gas. Private tenants are already stretched as it is and there ought to exist some form of appreciation for that within policy. Renters’ Voice believes, given the growth of the private rental sector and the large waiting lists for access to social housing, that there has to be a greater expectation on landlords to resolve breaches in contracts such as arrears before termination and would oppose shorter notice periods on the grounds of rent arrears on that basis.

***7. What types of criminal conduct do you believe is relevant to qualify for shorter notice periods? Please select all that apply.***

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<sup>2</sup> [Index of Private Housing Rental Prices, UK - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/economy/inflationandcosts/indices/indicesofrentalprices/privatehousingrentalprices)

**8. Would you support or oppose shorter notice periods for private tenants who have committed a relevant criminal offence**

Again, Renter's Voice would question the methodology of "box ticking" what are very complex issues. However, **we do accept that where a private tenant has engaged in serious anti-social or criminal behaviour, that has a direct impact either on the property or on other people living in the area a shorter notice period may be justified, provided that an adjudication process is in place.**

Therefore, we have listed the criminal conduct that we believe it **may** be appropriate to consider shorter notice periods for below:

- Domestic Violence<sup>3</sup>.
- Using the property for illegal reasons.
- Letting someone else use the property for illegal reasons.
- Criminal Damage to the property.
- Committing an offence within or near the home.
- Drug-Related offences.
- Alcohol- Related offences.
- Violence/threat of violence.
- Hate behaviour targeting people because of difference.
- Criminal harassment.

**However, again in our view, shorter notice periods should only be considered where the above offences have a direct impact either on the property or on other people living in the area.**

Renters' Voice would also like to make a point of highlighting that we do not believe that drug offences ought to be presented as singular issues when it could cover offences which are not necessarily an offence in relation to the property and where there is no obvious victim outside of the user such as personal possession, through to drug trafficking. Given how drug-related offences often overlap with systemic issues such as class, mental health and poverty in a society that has high rates of post-traumatic stress, we believe that such exceptions, without a proper distinction between largely victimless crimes and crimes where there may be a victim, would again create a harshly punitive legal framework for private renters that would not exist for social tenants or homeowners.

**9. What would you consider to be a reasonable notice period for a private tenant to leave their property in each of the below scenarios? Please select the option that is closest to your view.**

**&**

**10 Are there any additional reasons/cases for which you believe shorter notice periods should apply.**

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<sup>3</sup> For perpetrators, not victims



**As outlined above, Renters' Voice's position is that a 6 months' Notice to Quit is the minimum amount of notice that should be afforded to a private tenant by the landlord in normal circumstances.**

**In the limited circumstances in which we believe a shorter notice period may be justified (i.e. when the tenant has engaged in serious anti-social or criminal behaviour, that that has a direct impact either on the property or on other people living in the area.) we believe that the minimum notice period should be 3 months notice.**

In our October 2020 survey of private tenants in Northern Ireland, the top long-term issue people told us about was difficulties with finding properties, and, in particular, finding properties which are affordable (58%) are in the right area (50%) or that meet the needs of the household (47%). For this reason, we believe that no-one should be issued with a notice to quit of less than 3 months. **This is important to ensure that private renters are not doubly punished for crimes by being made homeless. Crimes will already be dealt with in the criminal courts and will be punished there.**

**12. Do you think potential exceptions could have an adverse impact on...**

***Older Tenants.***

***Younger tenants.***

***Tenants with families/dependents.***

***Disabled tenants.***

**Yes, to all.**

Our current experience of the rental market evidences the need for increased protection for private renters from market forces through the provision of longer notice periods. **A longer notice period given by landlords would protect tenants across all of the above categories.**

Older and Disabled tenants

**A longer notice period by landlords would also protect tenants who are in the middle of moving into a new private rental property. Older tenants' main source of income is likely to be some sort of state benefit or pension, as a result, a reduced notice for arrears for example would leave this demographic particularly vulnerable to homelessness. This is also true of tenants who have disabilities. We believe therefore that a shorter notice would have an adverse effect on older and disabled tenants**

A Renter's Voice Group member with disabilities said:

*"Private renting is a minefield for people with disabilities, finding a suitable house with accessibility is incredibly difficult when faced with covert discrimination and outright refusals, for example, the need for a guide or assistance dog is often met with an outright refusal*

*despite them not being pets. Most landlords will refuse to allow any adaptations recommended by occupational therapy such as additional hand rails, a stair lift, wet room etc even when the cost is covered. Moving brings its own physical challenges and needs precise planning whether your disability is hidden or visible. It's not a case of pack and go within a few weeks."*

### Younger Tenants

Young renters', particularly in student accommodation, are often unfairly stereotyped as troublemakers. Additionally, these tenants often live in HMO properties where they are jointly liable for the behaviour of other tenants in the household. Students and young renters in general often have low disposable income to save up for another private rental. **Exceptions to these notice periods may lead to young tenants in HMOs or shared accommodation being unfairly hit with a shorter notice** without enough time to find accommodation elsewhere or to plan ahead between jobs, and education and may suffer academically as a result.

### Tenants with families/dependents

**Shorter notice periods would also have an adverse impact on tenants with families and dependents. Tenants being issued with a shorter notice will make it harder to plan for their children, meaning both tenants and their children would be at risk of homelessness.,** Children can become traumatised whenever there is a huge change to their routine or life, this is particularly true with children who have ASD or other behavioural disorders. **Allowing more time for these tenants to find alternative accommodation elsewhere will allow the children and their parents more time to prepare for change.**

### Tenants in receipt of social security

**Tenants in receipt of social security payments**, including the state pension as referenced above, are also more likely to find it difficult to secure new accommodation at short notice. Similar to younger renters, many private tenants in receipt of social security will be unable to get together a deposit plus first month's rent for a new property at relatively short notice.