

Ground 8 – The Arrears Ground

What is the ground?

Ground 8 of Schedule 2 of the Housing Act 1988 & 1996 allows a landlord to recover possession when rent is in arrears as follows:

- If rent is payable weekly or fortnightly, at least eight weeks' rent is unpaid
- If rent is payable monthly, at least two months' rent is unpaid
- If rent is payable quarterly, at least one quarter's rent is more than three months in arrears
- If rent is payable yearly, at least three months' rent is more than three months in arrears

The level of arrears must be at the minimum level above, both at the date any section 8 notice is served AND the date of the possession hearing.

What notice is required?

The landlord must serve a section 8 notice giving at least 2 weeks notice that possession is being sought on this ground before any proceedings are issued.

Is it a mandatory or a discretionary ground?

This is a mandatory ground of possession.