

Ground 2 – The Mortgage Ground

What is the ground?

Ground 2 of Schedule 2 of the Housing Act 1988 & 1996 allows a landlord to recover possession where the rental property is subject to a mortgage, which was granted before the tenancy started and the mortgage lender wants to sell it in vacant possession, normally to pay off mortgage arrears.

What notice is required?

The landlord must have served notice before the tenancy began, that possession may be sought under this ground, or the Court must decide it is just and equitable to dispense with the need for that notice.

The landlord must also serve a section 8 notice giving at least 2 months 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.