

Ground 7 – The Inheritance Ground

What is the ground?

Ground 7 of Schedule 2 of the Housing Act 1988 & 1996 allows a landlord to recover possession when a former tenant, who must have had a contractual periodic tenancy or statutory periodic tenancy, has died within the 12 months before possession proceedings started and there is no one living there who has a right to succeed the tenancy.

If the landlord does not become aware of the tenant's death until a later date, the Court may allow the claim to proceed if brought within 12 months of knowledge of the death instead. Should the landlord enter into a new tenancy with the new tenant during the 12 month period they cannot rely on this ground.

For the purposes of this ground, the acceptance by the landlord of rent from a new tenant after the death of the former tenant shall not be regarded as creating a new periodic tenancy, unless the landlord agrees in writing to a change (as compared with the tenancy before the death) in the amount of the rent, the period of the tenancy, the premises which are let or any other term of the tenancy.

What notice is required?

The landlord must 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.