

30 October 2024

Our Ref: FOI 549

Request

We received your request on 10 October 2024 for the following information:

- 1) Any policies and procedures relating to tenants being given "use and occupation" of a social tenancy after a possession order with a stay for rent arrears is granted.*
- 2) Any policies and procedures on when use and occupation terms are lifted and full tenancies rights returned*
- 3) Any policies and procedures on what rights tenants with Use and Occupation have as compared to secure tenants.*

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

Our response

- 1) The Housing Executive does not change a secure tenancy to Use & Occupation where a possession Order with a Stay has been awarded.

Only when the tenant is in breach of the conditions of the Order and/or the Housing Executive is given an Immediate Order for Possession is the process of changing the tenancy to Use & Occupation completed.

Once staff have completed the process of changing the tenure type on our Housing Management System the tenant is issued one of two letters (see below) depending on whether there is an existing repayment arrangement or not.

- 2) The tenancy will be reinstated to a secure Housing Executive tenancy when the occupant has cleared all outstanding rent/rates arrears and associated legal costs.
- 3) The occupant is no longer entitled to the following rights as a Use & Occupation Occupant.

- The Housing Executive will not carry out any repairs to the dwelling other than those deemed by us to be necessary to “wind and weatherproof” the property, or for health & safety reasons.
- A house sale application will be delayed until all arrears have been paid. The occupant cannot apply for a transfer or direct exchange or assign the tenancy to another person.
- The occupant will be assessed for re-housing, by the Housing Executive, in line with the provisions of Homelessness Legislation on the basis that repossession of the property could be imminent.



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«deptpcde»
Tel No: «depttel»
Fax No: «deptfax»

«title» «forename» «surname» and «jointtitle1» «jointsurname1»
«address1»
«address2»
«address3»
«address4»
«postcode»

Web: www.nihe.gov.uk
«deptaddr4»

Date «printdateform»

Dear «title» «surname» «jointtitle1» and «jointforename1» «jointsurname1»

ORDER FOR POSSESSION - («address1» «address2» «address3» «address4» «postcode»)

The Northern Ireland Housing Executive obtained an Order for Possession, in respect of the above property, on the grounds of non-payment of rent

I must inform you that the secure tenancy you held in respect of the above property has been terminated and you are now in illegal occupation of the property. While you remain in the dwelling you are required to make "use and occupation" payments, but acceptance of these or arrears payments is not recognition by the Housing Executive of a tenancy or license. Your payment card is included with this letter.

The Housing Executive requests that you give up possession of the property within 1 week from the date of this letter. If you refuse to do so the Housing Executive will make an application to the Enforcement of Judgments Office, without further notice, which could lead to you being evicted from the property. You may be responsible for the payment of legal costs associated with this action.

I am also required to inform you that as an illegal occupant of the above dwelling you no longer have the following rights you enjoyed as a secure tenant;

- ◆ The Housing Executive will not carry out any repairs to the dwelling other than those deemed by us to be necessary to "wind and weatherproof" the property, or for health & safety reasons.
- ◆ Processing of a house sale application will be delayed until all arrears have been paid.
- ◆ You are not entitled to apply for a transfer or direct exchange or assign the tenancy to another person.

You will be assessed for re-housing, by the Housing Executive, in line with the provisions of Homelessness Legislation. You will be contacted about this in due course, or alternatively, you may contact the District Office at the above address.

Please contact this office if you need any advice or assistance regarding this letter.

Yours sincerely

«mgrname»

Accounts Manager





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«deptpcde»
Tel No: «depttel»
Fax No: «deptfax»

«title» «forename» «surname» and «jointtitle1» «jointsurname1»
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I am aware you have entered into an arrangement to repay the outstanding arrears. Provided you adhere to this and continue to pay your use and occupation charges the Housing Executive will not take any further action against you. Should you default on this arrangement, however, the Housing Executive will make an application to the Enforcement of Judgements Office, without further notice, which could lead to you being evicted from the property. You may be responsible for the payment of the legal costs associated with this action.

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Yours sincerely

«mgrname»

Accounts Manager

This concludes our response.