House of Commons Public Bill Committee

RENTERS' RIGHTS BILL

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Submission by Michael Crofts BSC(Hons), ARICS (retired)

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Abbreviations		
	1988 Act	Housing Act 1988
	HMO	House (or Houses) in Multiple Occupation
	ICO	Information Commissioners Office
	PRS	Private Rented Sector
	RRB 2024	Renter's Rights Bill 2024

1. Summary

1. I am worried that there is nobody left in parliament who remembers what things were like before the Housing Act 1988. I do remember what it was like. There was an extreme and worsening shortage of rented residential accommodation. Part 2 is a brief explanation of my experience.
2. It is a mistake to ignore previous legislation when considering new bills. In Part 2 I include a brief history and hope this may be helpful to those committee members who have not had previous involvement with housing legislation.
3. The purpose of my submission is to suggest specific amendments to the bill. These are not intended to frustrate the aims of the bill. They are designed to retain as many properties as possible in the private rented sector.
4. I also include support for some provisions.

2. My experience and my reasons for making this submission

1. The thing that worries me most about this bill is that I doubt there is anyone left in parliament who remembers what the Private Rented Sector (PRS) was like before the Housing Act 1988 introduced Assured Shorthold Tenancies. I do remember and here I explain how things could go badly wrong – again.
2. For over a hundred years legislation affecting the PRS has been like a pendulum, swinging from one extreme to another.
3. From at least the First World War onwards there was a persistent shortage of housing and this caused rents to rise. Beginning in 1915 (under the Asquith coalition) parliament introduced rent controls and additional security of tenure for tenants.
4. The result was that the problem got worse, not better. The financial return to landlords became so small that the supply of accommodation available for private letting shrank.
5. The Rent Act 1965 (Labour government) was supposed to revitalise the supply of rented accommodation. It was followed by the Rent Act 1968 (Labour), extended in the Rent Act 1974 (Conservative) and consolidated again in the Rent Act 1977 (Labour). Rents were controlled under this legislation. They were assessed by Rent Officers who had to adjust open market rents to allow for the effect of scarcity. The difficulty was that there was no open market in unregulated privately rented property with which comparison could be made because only a fool would buy a vacant house and let it to a private individual. The years following 1965 were also years of very high inflation. The result was that rents set by rent officers and rent assessment committees did not keep up with inflation, to the benefit of tenants but to the obvious disadvantage of landlords, who sold any houses which became vacant, thus reducing the supply further.
6. My family first invested in the PRS because the 1965 Act contained a provision that if we let to a “corporate” tenant we were exempt from rent controls and tenant succession problems. We let to the USAAF at Bentwaters in Suffolk. Sadly we eventually had to terminate the lease and sell because despite the best efforts of the Housing Officer at Bentwaters the damage done to the house by occupiers was unacceptable.
7. In 1987, as a mature student, I obtained a degree in Estate Management with first class honours from Kingston Polytechnic.
8. **At the time of my undergraduate studies the Rent Acts were still in force and all our text books and our lecturers made it very clear that letting a vacant home to a private residential tenant was an act of lunacy**. It was something that nobody did. There were still some properties subject to regulated tenancies on controlled rents but they were all becoming aged and in many cases dilapidated. We were taught to value such a property by starting with the vacant possession value, establishing the age of the youngest person who had tenancy rights, then using actuarial tables to assess when vacant possession might be obtained because of the death of that person. There were specialist investors who managed large estates of such regulated tenancies on the principle that every year a percentage of the estate would become vacant and could be sold, the proceeds being treated as capital gains. If they got the maths right the gains outweighed the losses which arose when essential repairs exceeded rental income.
9. **The year after I graduated the Housing Act 1988 changed everything**. Everyone who wasn't opposed on principle to there being a PRS seemed to think it was a good thing because it would enable the private sector to help fill the gap being left by the sale of Council Houses (a policy with which I personally disagreed). Eventually specialist finance houses made mortgages available and Buy-to-Lets emerged to become an important source of rented housing.

10. After graduating I practised as a chartered surveyor for many years. At one time I was responsible for managing one of the largest corporate-owned residential let estates in the UK.

11. For 30 years I was a director, and then Chairman, of a statutory company which as part of its activities provides student accommodation in the City of Durham.

12. My wife and I currently own 4 residential properties let to tenants.

13. The Renters' Rights Bill will abolish the key provisions of the1988 Act and amend many others.

14. **I accept that the RRB 2024 is a manifesto commitment but if the bill passes as presently drafted I anticipate that the PRS will shrink again, significantly, thus reducing the number of homes available to rent. Rents will therefore increase.**

15. If this happens there will be strident calls for rent controls. If these are introduced the supply will shrink further, just as it did in the past. It is a vicious circle.

16. Some people need to rent because they are unable to save for a deposit to buy a house. The reasons for this are partly social (beyond the scope of my submission) and partly because of the high costs of rent which leaves nothing available to save for a deposit. Reducing the supply of rented houses always increases rents, and as the history shows rent controls cause an even greater reduction in supply. Other people need to rent because their work requires mobility, others because of divorce, and so on. There are always some people who need to rent. If the government does not want the public sector to provide all the rented houses that are needed the private sector must try to fill the gap – but it will only do so if it is not handicapped too badly by legislation.

17. I therefore suggest some amendments to the Renters' Rights Bill which are designed to mitigate the unintended and unfortunate consequences which the present draft will cause.

18. I also wish to support some provisions of the bill.

19. I submit to the committee that my experience is relevant and the committee ought to take evidence from people who remember what it was like before the 1988 Act. Parliament needs to make sure it doesn't inadvertently repeat mistakes of the past and make things worse, not better,

3. Section 2 – repeal of Chapter 2 of the 1988 Act – Housing Court

I accept that the repeal of Chapter 2 of the 1988 Act (including section 21) was a manifesto commitment of the government and nothing I say can prevent it happening even though that Chapter was the most important reason why the PRS expanded after the 1988 Act was passed.

The best I can hope to do is submit proposed amendments which might mitigate the effect and retain some homes in the PRS.

The amendment I would most like to see is for the RRA 2024 to establish a specialist Housing Court.

This is what the House of Commons Levelling Up, Housing and Communities Committee Fifth Report of Session 2022–23 into Reforming the Private Rented Sector said:

> Landlords are perhaps most concerned about the capacity of the courts to expedite possession claims, particularly in respect of rent arrears and antisocial behaviour, and this is one of our greatest concerns too. The courts system is already struggling to process housing cases quickly enough. The pressures on the courts will be exacerbated by the repeal of section 21, as landlords will seek to regain possession under section 8, especially in the case of rent arrears and antisocial behaviour. **As** we have concluded before, the best way to improve the housing court system is to establish a specialist housing court, but the Government has rejected this idea, for reasons we find unsatisfactory.
>
> https://publications.parliament.uk/pa/cm5803/cmselect/cmcomloc/624/report.html

4. Section 4 – Changes to grounds for possession, subsection (2)

As drafted in black, my proposed amendment/s in **red**

(2) In section 7 of the 1988 Act (orders for possession)—

(a) in subsection (3), for "subsections (5A) and (6)" substitute "the following provisions of this section";

(b) **after "the tenant's Convention rights," add "but having regard also to the landlord's Convention rights,"**

renumber remaining provisions

The following is section 7 subsection (3) of the 1988 Act

Black = current status

Blue= as it would be amended by RRB 2024 in its current form

Red = my submitted amendment

(3) If the court is satisfied that any of the grounds in Part I of Schedule 2 to this Act is established then, subject to ~~[F1subsections (5A) and (6)]~~ **the following provisions of this section** [F2and section 10A] below [F3(and to any available defence based on the tenant's Convention rights, **but having regard also to the landlord's Convention rights,** within the meaning of the Human Rights Act 1998)], the court shall make an order for possession.

Explanation:

If the tenant's convention rights are to be an available defence the landlord's rights ought to be considered equally in its application to the court.

This section is at present, in the current jargon, "two-tier". It is biased toward the tenant's interests.

If the government wants to encourage private landlords to continue providing rented residential accommodation it must persuade them that it is not biased against them. Including their HRA 1998 rights as a factor to which the court must have regard when considering mandatory orders for possession would be a step in the right direction.

5. Section 4 – Changes to grounds for possession, subsection (3)(e)

As drafted in black, my proposed amendment/s in **red**

4 (3) (e) for subsections (4A) and (4B) substitute—

(4AA) If a notice under this section does not specify Ground 7A or 14 in Schedule 2, the date specified in the notice as mentioned in subsection (3)(b) must not be before the end of the longest period shown in the following table for any ground specified in the notice.

Ground specified in notice	Period
1, 1A, 1B, 2, 2ZA, 2ZB, 2ZC, 2ZD, 4A, 6, 6A	four months beginning with the date of service of the notice
5, 5A, 5B, 5C, 5D, 5H, 7, 9	two months beginning with the date of service of the notice
5E, 5F, 5G, ~~8~~, 10, ~~11~~, 18	four weeks beginning with the date of the service of the notice
4, 7B, **8, 11,** 12, 13, 14ZA, 14A 15, 17	two weeks beginning with the 20 date of the service of the notice”;

Note:

Ground 8 is unpaid rent

Ground 11 is persistent late payment of rent

Explanation:

I have not read any cogent argument for making the notice period for these grounds 4 weeks. Landlords depend upon regular payment of rent as do all business people. If grounds 8 and 11 are established the notice period ought not to be longer than 2 weeks.

6. Section 8 – challenging amount or increase of rent, amend subsection (10)

As drafted in black, my proposed amendment/s in **red**

8 (10) After section 14 of the 1988 Act insert— …...

14ZB Effect of determination: proposed new rent

(3) The rent payable under the tenancy following the determination takes effect from—

~~(a) the beginning of the new period specified in the notice under section 13(2) or 13A(2), if that date is on or after the date of the determination,~~

~~(b) the beginning of the first new period of the tenancy which begins on or after the date of the determination, if the beginning of the new period specified in the notice under section 13(2) or 13A(2) is before the date of the determination, **or**~~

~~(c) if it appears to the tribunal that applying paragraph (a) or (b) 30 would cause undue hardship to the tenant, a date that the appropriate tribunal directs.~~

~~(4) A date specified under subsection (3)(c) must fall before the end of the period of two months beginning with the date of the determination~~

Explanation (also see supplementary explanation on the next page)

The timetable is very unfair to landlords. Consider a tenancy that begins on 1 January 2025. A notice under s.13(2) of the 1988 Act can be served on 31 October 2025 to take effect at least two months later on the first day of a new period of the tenancy which will be 1 January 2026. Suppose the tenant then applies to the tribunal under s.14(A3) late in December, as they are entitled to do. A 2 month delay before the matter is heard is not unusual (see next page) so a determination is made in March 2026, at which the tenant will plead hardship. Now two unjust effects will arise.

First, s.14ZB(3)(c) allows the tribunal to defer the starting date of the new rent for two months to May 2026. The supposed annual rent increase has been delayed by 4 or 5 months.

Second, the next rent review cannot take place until the first day of a new period of the tenancy at least 52 weeks after the date when the last increase took effect (s.13(3A)(b)). So the landlord serves notice to expire in May 2027, the tenant appeals, the tribunal hearing is delayed, the new rent is delayed until October 2027. A third repeat would lead to the next rent review in February 2029 at which time the tenancy will have run for 4 years but there will have been only 3 rent reviews.

Note that the tribunal can unilaterally defer properly determined increases of rent but only if they would cause hardship to the tenant. What about hardship to the landlord? The tribunal is not directed to take that into account at all. This is another example of two-tier thinking and a bias towards tenants which will deter many private landlords from making homes available for renting. Worse, it is rent control by the back door.

During the second reading of the bill Angela Rayner said in reply to Jeremy Corbyn:

> ***'Rent controls restrict housing supply, which does not help anyone****….'*

Matthew Pennycook said:

> *'While we recognise the risks posed to tenants by extortionate within-tenancy rent rises, we remain opposed to the introduction of rent controls. We believe they could make life more difficult for private renters, both in incentivising landlords to increase rents routinely up to a cap where they might otherwise not have done,* ***and in pushing many landlords out of the market, thereby making it even harder for renters to find a home they can afford****.'*

I submit to the Committee that section 8 of RRB 2024 is unjust to landlords and ought to be amended so that the new rent is applicable from the date specified in a lawful notice.

Supplementary information regarding tribunal delays

I refer above to tribunal delays.

In the House of Commons the Levelling Up, Housing and Communities Committee Fifth Report of Session 2022–23 into Reforming the Private Rented Sector the question of tribunal delays was discussed on pages 47 & 48, as follows:

126. When a tenant objects to an in-tenancy rent increase, they can refer their case to the First-tier Property Tribunal, which determines the market rent for the property. …. yet **the process is time-consuming and resource-intensive, as it relies on each individual property being physically inspected and on both parties presenting evidence of local market rents based on online listings.** This is inefficient and results in uncertainty for both landlords and tenants around what a justified increase would be.

https://publications.parliament.uk/pa/cm5803/cmselect/cmcomloc/624/report.html**Error! Hyperlink reference not valid.**

7. Section 20 – notices to quit by tenants, amend the section

As drafted in black, my proposed amendment/s in **red**

20 **Notices to quit by tenants under assured tenancies: other**

After section 5 of the Protection from Eviction Act 1977 insert—

"5A Notices to quit by tenants under assured tenancies

(1) Any provision that would bind a tenant as to the means of giving a notice in writing to quit premises let under an assured tenancy is of no effect **but the notice must be served on the landlord at the most recent address given in writing to the tenant by the landlord.**

(2) For the purposes of subsection (1) the "means of giving a notice in writing" is the mode by which the words of the notice are represented or reproduced in a visible form.

(3) A notice by a tenant to quit premises let under an assured tenancy may be withdrawn before the date on which it takes effect by the tenant and landlord agreeing in writing to the withdrawal."

Explanation:

Landlords are entitled to know if their tenant wishes to terminate a tenancy agreement and leave. Many landlords have experienced tenants leaving without giving any notice or forwarding address. My proposed amendment would not prevent this happening but it would make it possible for landlords to be more certain that if this happens the contractual obligations of the tenant will survive and, if the tenant can be found, pursued as a debt where appropriate.

8. Section 22 – Ground 7: death of tenant, amend this ground

As drafted in black, my proposed amendment/s in **red**

22 In Ground 7—

(a) in the first unnumbered paragraph omit the words from "is a periodic" to "England, which";

(b) omit the words from "after the death" to "directs"

renumber remaining provisions

The following is the relevant provision in the 1988 Act

Black = current status

Blue= as it would be amended by RRB 2024 in its current form

Red = my submitted amendment

The tenancy ~~is a periodic tenancy (including a statutory periodic tenancy)[F1, or a fixed term tenancy of a dwelling-house in England,~~**~~] which~~** has devolved under the will or intestacy of the former tenant and the proceedings for the recovery of possession are begun not later than twelve months ~~**after the death of the former tenant or, if the court so directs,**~~ after the date on which, in the opinion of the court, the landlord or, in the case of joint landlords, any one of them became aware of the former tenant's death.

Explanation:

This is another example of a circumstance in which a landlord might previously have relied on section 21 if there was any difficulty about the matter. If a landlord has not been told about a death, but acts promptly when they find out about it, they should not have to rely on the discretion of the court if they seek a possession order.

9. Section 23 – Ground 8 – rent arrears, amend this ground

As drafted in black, my proposed amendment/s in **red**

23 In Ground 8—

~~(a) in paragraph (a), for "eight" substitute "thirteen";~~

~~(b) in paragraph (b), for "two" substitute "three"; 5~~

(**a**) omit paragraphs (c) and (d);

(**b**) at the end insert—

"When calculating how much rent is unpaid for the purpose of this ground, if the tenant is entitled to receive an amount for housing as part of an award of universal credit under Part 1 of the Welfare Reform Act 2012, any amount that was unpaid only because the tenant had not yet received the payment of that award is to be ignored **except when it was unpaid because of an act or default by the tenant.**"

The following is the relevant passage of the 1988 Act

Black = current status

Blue= as it would be amended by RRB 2024 in its current form

Red = my submitted amendment

Ground 8

Both at the date of the service of the notice under section 8 of this Act relating to the proceedings for possession and at the date of the hearing—

(a) if rent is payable weekly or fortnightly, at least [F1 ~~thirteen~~ **eight** weeks'] rent is unpaid;

(b) if rent is payable monthly, at least [F2 ~~three~~ **two months**'] rent is unpaid;

~~(c) if rent is payable quarterly, at least one quarter's rent is more than three months in arrears; and~~

~~(d) if rent is payable yearly, at least three months' rent is more than three months in arrears;~~

and for the purpose of this ground "rent" means rent lawfully due from the tenant.

When calculating how much rent is unpaid for the purpose of this ground, if the tenant is entitled to receive an amount for housing as part of an award of universal credit under Part 1 of the Welfare Reform Act 2012, any amount that was unpaid only because the tenant had not yet received the payment of that award is to be ignored **except when it was unpaid because of an act or default by the tenant.**"

Explanation:

Landlords depend upon rent being paid regularly. Erratic or non-existent payment of rent is one of the biggest causes of a breakdown in the landlord/tenant relationship, and it can cause real hardship to landlords. The existing provisions provide a deterrent to frivolous applications for possession orders. The proposed extensions of time will encourage bad tenants to not pay the rent and the provisions relating to universal credit as drafted make no allowance for bad behaviour by tenants.

10. Section 32 – discrimination re. children -amend subsection 32(2)(a)

Section 32 makes discrimination relating to children unlawful.

However 32(2)(a) provides a vital caveat:

As drafted in black, my proposed amendment/s in **red**

(2) Subsection (1) does not apply if—

(a) The relevant person can show that the conduct is a proportionate means of achieving a legitimate aim, **and it shall be a legitimate aim to protect the interestsof other persons or to protect the interests of a child**, or

Explanation:

Protecting the legitimate interests of other occupiers of an HMO is summarised in this recent post on a forum:

https://www.property118.com/member/?id=51039

As a Landlord you choose who to rent to based on their risk to you and your asset.

Plus as an HMO landlord, based on how they will fit in with the rest of the housemates.

I would not rent out to a pregnant woman going into an HMO of professionals, because they all have to go to work and they don't want to be up all night because of a screaming baby.

Protecting the legitimate interests of a child would be relevant if, for example, persons on the sex offender's register were already in occupation of a HMO. It would be wrong to make any landlord fearful of prosecution and a large fine if they do not accept an application including a child who would then be in close proximity to a sex offender.

Some landlords rent accommodation to disreputable people, sometimes at the behest of local housing authorities who face difficulties housing them. Such landlords should be able to balance the interests of existing tenants and prospective tenants without fear of prosecution otherwise they will either cease offering accommodation to such people or leave the PRS entirely. If there were only a couple of publicised cases where landlords are prosecuted for discrimination many landlords would leave the sector.

11. Section 40 – no prohibition on taking income into account, supported

I support section 40 —

40 No prohibition on taking income into account

Nothing in this Chapter prohibits taking person's income into account when considering whether that person would be able to afford to pay rent under a relevant tenancy.

Explanation:

PRS landlords are not charities and should be able to operate their businesses in a businesslike manner. It is essential that landlords are able to take affordability into account when choosing tenants.

I hope that any amendment designed to water down or emasculate this section will be rejected.

12. Section 57 – Penalties for unlawful eviction etc., amend subsection (3)

As drafted in black, my proposed amendment in **red**

[note – this subsection relates to amendments to the Protection from Eviction Act 1977]

(3) After section 1 insert—

"1A Financial penalty for offence under section 1

(1) A local housing authority may impose a financial penalty on a person if satisfied beyond reasonable doubt that the person has committed an offence under section 1 in relation to premises in England.

(2) **A notice given under subsection (1) must be served on the landlord at its address which is registered pursuant to sections 73 to 94 inclusive of the Renters' Rights Act 2024 (The Private Rented Sector Database) and not at the property where the alleged offence has occurred**

renumber remaining provisions

Explanation:

Offences under the Protection from Eviction Act 1977 are very serious and the penalties are severe. Landlords ought to have certainty that any notices served to commence proceedings against them under the 1977 Act will be brought to their attention promptly which cannot be the case if they are served at the premises where the alleged offence is said to have occurred because a hostile party at that address might steal and destroy the notice with the result that the landlord will be out of time to make written representations under section 57(4) of RRB 2024.

13. Sections 62 & 63 – Landlord redress schemes – Costs

Recommendation:

The RRB 2024 makes provision in sections 62 & 63 for a landlord redress scheme or schemes to be established, for membership to be compulsory for private residential landlords, and for the scheme/s to recover costs.

Any such scheme will be a QUANGO – a quasi-autonomous non-governmental organisation. This sort of organisation is always self-serving and prone to excessive expenditure particularly on senior staff salaries.

There ought to be a provision in the RRB 2024 for some method for landlords to challenge costs of the landlord redress scheme/s if they are unreasonable.

14. Sections 73 to 94 – The Private Rented Sector Database

This part of the RRB 2024 is woefully vague about some very important matters.

We are left to guess how it will work.

We are told nothing about the cost. This is the second new cost to be imposed on residential landlords (the other being the cost of the redress scheme). The same argument against the establishment of a new QUANGO applies to the database. Why cannot the redress scheme and the database be operated by a single entity whose costs are tightly controlled?

The question of privacy is very important. S.75 leaves open a lot of questions about the detail of what will be on the database but s.82 states that "Unique Identifiers" will be used which implies the possibility of anonymity unless there has been a banning order in which case s.81(8) states that landlord names and addresses will be on the database. Section 84 (1)(a) says that regulations will be made specifying the information which will be made available to the public. That is too uncertain.

All that a reasonable tenant would want to know when examining the database is whether the landlord of a particular property has been prosecuted or not. They do not need to know the landlord's name.

The question of anonymity for landlords is vitally important. Landlords have been vilified and insulted to such an extent over recent years that to have our personal details open to public examination would really be quite frightening. I myself am 73 years of age and I do not want my details on a public database even if they show (as they would) that I have never committed any offences.

I have been made aware of a case in which Hammersmith and Fulham were advised by the Information Commissioner's Office in connection with their register of HMOs, as follows:

> *'However, it is the form in which the register is provided where it may be considered unfair and subsequently breach the DPA, such as publishing the full register on the internet. The requirement under the Housing Act is just to provide a copy of the register on request, there is no obligation to make it available electronically since publication on the internet may be unfair and excessive given the potential for ease of access by a large number of people."*

An individual landlord then persuaded the Council to format the information in accordance with the guidance of the ICO. The local council complied and a shortened version of the HMO licence register was published with no home address. See:

https://www.lbhf.gov.uk/housing/private-housing/property-licensing-landlords-and-letting-agents/register-licences

The RRB 2024 ought to provide that the names and home addresses of landlords are not published.

If this is not accepted the publication of names and addresses ought to be restricted to those landlords who have received banning orders.

15. Section 88 – restriction on gaining possession, amend subsection (1)

As drafted in black, my proposed amendment/s in **red**

(1) In section 7 of the 1988 Act (orders for possession)—

(a) in subsection (4), after "then" insert ", subject to subsection (5ZB),";

(b) in subsection (4) after "so" and before the full stop add "after having regard to the conduct of both the tenant and the landlord"

renumber remaining provisions

The following is section 7 subsection (4) of the - Act

Black = current status

Blue= as it would be amended by RRB 2024 in its current form

Red = my submitted amendment

(4) If the court is satisfied that any of the grounds in Part II of Schedule 2 to this Act is established, then, subject to subsection (5ZB), ~~subject to [F4subsections (5A) and (6)] below~~, the court may make an order for possession if it considers it reasonable to do so **after having regard to the conduct of both the tenant and the landlord**.

Explanation:

The greatest fears among most landlords arise from the loss of section 21 of the 1988 Act. I do not suggest an amendment to preserve section 21 because I accept its abolition was a manifesto commitment. But I am anxious to strengthen the other grounds of possession, both the mandatory grounds in part I of Schedule 2 and the discretionary grounds in part II.

Not all tenants are well behaved. There are difficult tenants – for example those who do not pay the rent, or who damage the property, or breach other terms of the tenancy. Until now landlords have often used section 21 to remove such tenants because it has been the easiest and quickest method. But now section 8 and schedule 2 are the only hope for landlords who suffer the mental health stress and financial losses caused by bad tenants.

I therefore propose my amendment because it will reassure many landlords that when they have had to deal with a difficult tenant the conduct of that tenant will be taken into account when the court hears the application for a possession order.

My proposed amendment is even-handed. It tells the court to look at how both parties have conducted themselves.

16. Schedule 1 – New ground for sale of dwelling-house, supported

Schedule 1, paragraph 3 introduces a new ground for mandatory possession of a dwelling-house when the landlord intends to sell.

I support this ground and the current wording of the conditions for exercising it.

Explanation:

My wife and I are in our seventies. She has two children but one lives 200 miles away and the other has emigrated. Neither of them will be able to manage our rental properties when we have died. We may need to sell before that happens either because we cannot cope with management or because we need money to pay for care – the rental income is nowhere near enough to pay for care home fees.

It is hard to sell a property with a sitting tenant, and the value is greatly reduced. We explored the possibility of doing this and were offered a deal which amounted to a 30% discount from the vacant possession value. Better offers might be available but it is unusual to say the least for a property to be worth as much when it is tenanted as when it is vacant.

Therefore, for us the ability to regain possession so that we can sell will be a vital protection when section 21 of the 1988 Act has been repealed.

If this ground for possession were to be omitted from the RRB 2024, or emasculated so that we do not feel we can rely upon it, we (and many thousands of other private landlords) will serve section 21 notices while we still can, and leave the sector.

If the government wants tenants to have absolute security then they must either build sufficient new public sector houses, or buy them from the PRS. This is a politial and economic decision. Meanwhile the owners of PRS houses should be able to realise their investment when they have to.

17. Schedule 1 – proposed "Granny Flat" ground

I propose a new ground to be added to Part I of Schedule 2 of the 1988 Act (mandatory grounds).

I call it the "granny flat" ground.

New ground for possession – accommodation required for care providers

The following conditions are met -

(a) the current tenancy began at least 1 year before the relevant date, and

(b) the dwelling house is either annexed to or within the curtilage of the only or principal home of the landlord who is seeking possession, and

(b) the landlord who is seeking possession requires the dwelling house as accommodation for a care provider or providers whose services are required for the landlord or a person who lives permanently with the landlord

In the case of joint landlords seeking possession, references to "the landlord" in this ground are to be read as references to at least one of those joint landlords.

When calculating whether the current tenancy began at least 1 year before the relevant date, both—

(a) the day when the current tenancy began, and

(b) the relevant date, must be included in the calculation.

Explanation

Many "granny flats" have been built to house elderly relatives and are vacant because the original occupant has either moved into specialist care provision or has died. They include annexes, flats built above garages, and other examples of self-contained accommodation ("dwelling houses") attached to or in the grounds of principal houses.

Many owners of such premises will keep them empty when section 21 of the 1988 Act has been repealed because they expect to require them for a carer in the future and are fearful that they will not be able to regain possession when the time comes.

My proposed ground could encourage owners to consider offering such dwelling houses as rented homes.

My wife and I have such a self-contained annex ourselves which was built for my mother who died some years ago. We think we may need it for a care provider in the years ahead. Meanwhile we have considered using it for holiday accommodation (an "Air BnB") but would prefer to let it as a home. Our personal circumstances are probably similar to other people and my proposal might increase the supply of PRS dwellings.

/end