**Happy Christmas…**

**Housing - Secure Tenancies - Anti-social Behaviour - New Absolute Grounds for Possession - 7-day Period to Request Review**

On 23 December last year a possession notice was served on a secure tenant under the new mandatory possession grounds available to local authorities (see ss.84A and 85ZA Housing Act 1985, introduced by Anti-social Behaviour, Crime and Policing Act 2014). The ground is absolute save for a statutory review procedure that the tenant must activate in writing within 7 days. The Council’s offices were, however, closed on 24 December until 4 January; as were most, if not all, solicitors’ firms in the area. The request to review the decision was made on 4 January through solicitors found by the tenant that same day. The Council refused to accept the request as it was out of time, no extension was granted nor was the notice withdrawn. Possession proceedings were issued. The Council, in the weeks prior to trial and unbeknown to the tenant, conducted a “retrospective” review - after the claim was issued and, as argued at trial, after the date specified in s.85ZA(6). It may come of no surprise that our public law defence on perversity succeeded. Despite this, the District Judge found that the “retrospective” review cured the defect and possession was granted. Permission to appeal was obtained from the District Judge under the leapfrog procedure direct to the Court of Appeal (no listing as yet; update to follow). This may nonetheless provide some assistance to tenants faced with such claims and very little by way of a defence. It is also now a year later and we are back in the most wondrous time of the year…not a perfect opportunity to purge the problem tenants.



**Anthony Katz**

**Call:** 2007

**Practice Profile**

Anthony is a civil practitioner with emphasis on commercial disputes, property and landlord and tenant (business and residential). Anthony advises at all stages of litigation, from pre–action to costs and enforcement, and is praised for his ability to succeed on technical and nuanced points of law and his tactical approach to litigation.

**Work Undertaken**

* Commercial litigation and contractual disputes
* Business tenancies
* Housing and residential landlord and tenant
* Property
* Trusts