

ST LEGER HOMES OF DONCASTER **LTD**

Company Number 05564649, A Company Limited by Guarantee
Registered in England

East Area Board Meeting

Date: 8 September 2008

Item: 8

Subject: Analysis of Evictions –
1 April 2008 to 31 July 2008

Prepared By: Mr D Abbott
Assistant Director of Housing
Management

Presented By: Judith Jones
Director of Customer services

Purpose: To update the area boards on the
findings from an analysis of
evictions carried out between 1
April & 31 July 2008

Recommendation

It is recommended that the Board note the contents of the report and that the board continues to monitor work in this area via regular bi-monthly reports.

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**To the Chair and Members of the
ST. LEGER HOMES OF DONCASTER
EAST AREA BOARDS**

**Agenda Item No.8
Date: 8 September 2008**

Report Title

1. ANALYSIS OF EVICTIONS – 1 APRIL 2008 TO 31 JULY 2008

Purpose

2. The purpose of this report is to update the Board on the findings from an analysis of evictions carried out between 1 April 2008 and 31 July 2008.

Recommendation

3. It is recommended that Board members note the contents of the report; and
4. that the Board continues to monitor work in this area via regular bi-monthly reports.

Background

5. Occasionally social landlords have to evict tenants as a result of their failure to abide by the terms of the Tenancy Agreement. However, it should be noted that this is always a last resort and every attempt is made to avoid this situation.

As you would expect, by far the most common reason for eviction is failure to pay the rent. During the 4-month period April 2008 to July 2008 St. Leger Homes evicted 19 tenants for rent arrears and 4 for other reasons.

Eviction for reasons other than rent arrears is much less common for a number of reasons:

- Although there is a widespread perception of anti-social behaviour, this is rarely at a level where a social landlord would either want to obtain possession or would be successful in an application for possession;
- Our approach to the management of anti-social behaviour is to work with perpetrators to change their behaviour and apply other sanctions such as Acceptable Behaviour Contracts, Injunctions, Anti-Social Behaviour Orders, Demoted Tenancies and Suspended Possession Orders; and
- Eviction is often a pointless exercise as the perpetrator can usually obtain a private sector tenancy in the same locality.

Analysis of all Evictions

6. The following tables provide profiling information on all 23 evictions:

Table 1 gives a breakdown of all evictions by length of tenancy. This shows that 7 evictions, equating to 30.4% of all evictions, were of tenants occupying their tenancy for less than two years. Of these 0 were within the first year of their tenancy.

Length Of Tenancy (Years)	0<1	1<2	2<3	3<4	4<5	5<6	6<7	7<8	8<9	9+	Total
East	0	2	2	1	1	0	2	0	0	3	11
West	0	5	1	1	1	1	1	0	1	1	12
01/04/08 to 31/07/08 Total	0	7	3	2	2	1	3	0	1	4	23

Table 2 gives a breakdown of all evictions by location. At the moment St Leger Homes manage 20,970 properties. There are 9,976 on the East of the Borough and 10,994 on the West. Therefore as a percentage of the housing stock there has been 0.11% of evictions on the East and 0.11% on the West.

East Area	Number of Evictions	Housing Stock
Dunscroft	1	661
Intake	2	1244
Kirk Sandall	1	173
Rossington	4	1077
Town Centre	3	866
East Total	11	

West Area	Number of Evictions	Housing Stock
Askern	1	490
Bentley	2	844
Carcroft	1	457
Denaby Main	2	1157
Edlington	1	830
Mexborough	4	1822
Scawsby	1	242
West Total	12	

Table 3 gives a breakdown of evictions by family type. This shows that single person households account for 39% of evictions.

Area	Self	Self + 1	Self + 2	Self + 3	Self + 4	Self + 5	Left in Occupation	Total
East	4	4	2	0	1	0	0	11
West	5	4	2	1	0	0	0	12
Total	9	8	4	1	1	0	0	23

Table 4 gives a breakdown of evictions by age. This shows that 52% of evictions were of people between the ages of 31 and 60 with 44% being young people between the ages of 16 and 30.

Area	16 > 20	21 > 30	31 > 40	41 > 50	51 > 60	61 > 70	71 > 80	80+	Total
East	0	5	3	3	0	0	1	0	12
West	0	6	4	1	2	0	0	0	13
Total	0	11	7	4	2	0	1	0	25

The total 25 includes 2 joint tenancies.

Table 5 shows eviction by ethnicity and gender. This reveals that 72% of tenants evicted were White British. There were more females (13) evicted than males (12).

Area	White British	Other	Unknown	Total	Male	Female	Total
East	8	0	4	12	5	7	12
West	10	0	3	13	7	6	13
Total	18	0	7	25	12	13	25

The total 25 includes 2 joint tenancies.

Summary of Findings

- During the period 1 April 2008 to 31 July 2008 there were 19 evictions for rent arrears and 4 for other reasons;
- there were more evictions for rent arrears in the East (10) than the West (9), with July having the highest number (7);
- the average amount of arrears per eviction across the whole Borough was £1683. This average figure is higher in the East (£1727) than the West (£1634);
- average arrears at eviction are equivalent to 27.16 weeks rent;
- the average number of weeks in arrears at eviction was 83.9. Of the 19 cases evicted for rent arrears, 9 had been in arrears less than 12 months and 8 less than 35 weeks;
- there were an equal number of evictions as a percentage of the housing stock in both areas (0.11%);
- 39% of all evictions are of single people;
- 31.6% of those evicted this year lived in flats and 16.9% of our stock are flats, indicating a problem sustaining tenancies in this type of accommodation;

- 52% of tenants evicted were between the ages of 31 and 60; and
- 72% of evictions are White British with more females (13) evicted than males (12).

Analysis of Evictions for Rent Arrears

7. During the period 1 April 2008 to 31 July 2008 there were 19 evictions for rent arrears across the Borough. This equates to approximately 4.75 evictions per month. For rent arrears there have been more evictions on the East of the Borough (53%) than the West (47%).
8. There is a slight difference in the average amount of debt at the time of eviction between the areas with £1727 the average arrear on the East and £1634 on the West.

Table 6 identifies the total number of evictions by month for rents arrears.

	Apr 08	May 08	Jun 08	Jul 08	Aug 08	Sep 08	Oct 08	Nov 08	Dec 08	Jan 09	Feb 09	Mar 09	Total
East	2	3	2	3	-	-	-	-	-	-	-	-	10
West	2	0	3	4	-	-	-	-	-	-	-	-	9
Total	4	3	5	7	-	-	-	-	-	-	-	-	19

Table 7 identifies the number of evictions carried out borough wide within monetary bands (year to date).

	£500 - £749.99	£750 - £999.99	£1000 - £1249.99	£1250 - £1499.99	£1500 - £1749.99	£1750 - £1999.99	£2000 - £2999.99	£3000 and over
Total	0	1	4	3	5	2	2	2

Analysis of Evictions for reasons other than for rent arrears during the period 1 June 2008 to 31 July 2008.

9. Details of the cases where the arrears at eviction were over £3000 are as follows:

Case 1

In this case the tenant held the tenancy of a one bedroom bungalow in the Mexborough area. The tenant was a single white British male aged 58 years old. The tenancy began 12 March 2007. A Notice seeking Possession was served 7 May 2007. The tenant claimed Housing benefit which was turned down. An appeal against the decision was lodged by the tenant. Action against the tenant was suspended until the appeal was heard. The circumstances were considered at a tribunal hearing in March 08 and the decision was made not to award any benefit. A court hearing was held 1

month later, at which point an order for possession in 28 days was awarded. Possession was requested 28 days later. The eviction took place 19 June 2008. Once the HB appeal had been heard, there were no delays in the handling of the case. During the eviction process, the Rents Officers were in regular contact with Housing Benefit to ensure they were up to date with the progress of appeal. Four telephone calls took place with the tenant to discuss the arrears, three letters were sent to the customer but no visits were carried out.

Case 2

In this case the tenant held the tenancy of a three bedroom maisonette in the Balby Bridge area. The tenant was a single white British female aged 43 years old at the time of the eviction. The tenancy began 13 February 2006. The tenant transferred from another St Leger Homes property leaving arrears of £206.06. A Notice seeking Possession was served 3 April 2006. This case has had continuous activity on it to try and get the customer to pay and keep to arrangements. In total there have been 12 visits to the tenant's home, 4 office interviews, 12 letters sent to the tenant regarding rent arrears and 2 telephone calls to discuss the matter. The customer has been an intermittent payer, paying just enough for the next stage of action not to be taken whilst the arrears crept up. The customer made numerous promises regarding payment, even setting up Standing Orders, however these have ultimately failed. This pattern was repeated throughout the tenancy. As the customer frequently paid something prior to action, we were unable to progress to the next stage in the eviction process. On the occasions the eviction has been applied for, the customer has been to court to get the eviction suspended. The customer has then subsequently failed to keep to the court order. The customer has also applied for Housing Benefit, however the claims have never been paid. Action was delayed pending the outcome of the claims. The customer was required to supply information to support the claims however they failed to do so and the claims were withdrawn.

10. During the period 1 June 2008 to 31 July 2008 there were 3 evictions for reasons other than for **non payment of rent** and the details are as follows:

Case 1

In this case the tenancy of a two bedroom flat in the Town Centre area was held by a single white British male, 41 years of age. The reason for eviction was non-occupation of the property by the tenant and unauthorised sub-letting.

The tenant submitted a request for his stepson to take over the tenancy because he was serving a long sentence in Doncaster prison. When released he intended to move into a different property with his new wife. The request to take over the tenancy was refused because there was no proof that the stepson had been living in the property, furthermore the tenant had no intention of returning to the property.

Notice to Quit was served on both the tenant and his stepson. The stepson abided by this notice and moved out leaving the keys at the estate office. Unfortunately numerous contacts were made with the tenant but he still refused to terminate the

tenancy and became quite aggressive. St Leger Homes then had no choice but to obtain possession in court.

County Court granted outright possession of the property on the 5th June 2008 and the locks to the property were changed.

Case 2

In this case the tenancy of a two bedroom ground floor flat in the Carcroft area was held by a single white British male, 43 years of age.

The tenant had held the tenancy since February 2003 and was evicted for causing noise, nuisance and disturbance to the residents of the adjoining ground floor flat.

The tenant was a self confessed alcoholic and caused problems from the start of the tenancy. Whilst drunk he became very loud and aggressive towards both his neighbour and visitors to his own property. The noise and nuisance occurred at various times of the day and night, often preventing his neighbours from sleeping. Environmental Services (DMBC) carried out enforcement action and visited on several occasions. A Noise Abatement Order was served and the stereo equipment confiscated.

The neighbour completed nuisance monitoring forms which provided vital evidence in court, these were essential in securing possession of the property. Legal action commenced against the tenant with the serving of a Notice of Seeking Possession (NOSP) on 31st May 2007. Unfortunately the serving of a NOSP had no effect on the behaviour of the tenant a possession proceedings were the only option.

At the court hearing the neighbour gave evidence in support of the numerous monitoring forms. The tenant also attended, however he turned up late and intoxicated. He was highly uncooperative and could not understand what the judge was saying. At one point he threatened his neighbour. The judge granted possession in 28 days.

Case 3

In this case the tenancy of a two bedroom bungalow in Denaby Main was held by a white British female. The eviction was granted on the grounds of unauthorised occupation and anti-social behaviour.

The tenant's daughter aged 38, and son aged 20, moved into the property a few weeks prior to the tenant's death. Neither family member was eligible for succession to the tenancy because they had not lived in the property for the previous year and the property was specially built for the elderly.

The first complaint was received in January 2008 when neighbours reported anti-social behaviour at the property and in the street. This was being caused by visitors and family members including the two unauthorised occupants. The main problem seemed to be noise created by shouting and arguing. Enforcement work included seven visits, two letters and phone calls. The file was sent to Legal Services on 2nd April 2008 and the eviction took place on 20th July 2008.

Consultation

11. Not applicable.

Legal and Financial Implications

12. None

Risk

13. Not applicable.

Diversity Implications

14. Not applicable.

Report Author

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Background Documents

16. None.