



Absolute Ground for Possession – Possession Forthwith

- Defendant was involved in regular anti-social behaviour which began in Dec 2010 e.g. playing loud music. In 2013 Police were called to the apartment for criminal damage - continual events throughout 2013 including being drunk and shouting and swearing in a communal area. In September 2013 an interim injunction order and power of arrest was made following damage caused to the front door of a neighbour.
- In 2014 – Regularly playing loud music, smoking cannabis in the property, allowing dog to bark in house all day.
- In 2014 the Defendant was arrested for possession of an offensive weapon in a public place and threatening another male with a samurai sword. The Defendant appeared before South Somerset Magistrates Court on 8/12/2014 and pleaded guilty to the offence of possession of an offensive weapon in a public place contrary to section 1 of the prevention of crime act 1953.
- The matter was adjourned and heard On 9 Jan 2015 at Taunton crown court –The Defendant was convicted for possession of an offensive weapon in a public place and sentenced to 6 months imprisonment suspended for 24 months, required to attend a low intensity alcohol programme, a two year supervision order, ten days with an alcohol worker and a victim's surcharge.
- The Claimant continued to hear reports of alcohol misuse and drug use at the property – the decision to seek possession was based on recent events and continued anti-social behaviour.
- The first condition under Ground 7A was met – given the offence that Defendant was convicted for. The client has brought possession proceedings following an offence and conviction, both post 23 October 2014, whereby the Defendant has been successfully convicted of use of an offensive weapon in a public place.

Outcome

1. Possession forthwith, on the basis of mandatory ground 7A of schedule 2 to the Housing Act 1988
2. Judgment to the Claimant for arrears of £274
3. Defendant to pay use and occupation charges at the daily rate of £12.96
4. Defendant to pay the Claimant's costs summarily assessed in the sum of £1,500

For more information please contact:



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