



Thomas More Chambers

Anti-Social Behaviour During Lockdown

Since the Government imposed numerous restrictions on day to day life in order to tackle the COVID-19 pandemic, it is anticipated that anti-social behaviour (ASB) complaints may be more frequent than they might have been prior to the lockdown implementation. This article explores, in brief, the options available to private landlords during the time of the COVID-19 restrictions. This advice is correct as at 26 April 2020.

Landlords may find that they receive an increase in ASB related complaints relating to their tenants as a result of a number of reasons, which may include a failure to adhere to the Government's advice to stay at home, boredom or a flare up of ongoing neighbour disputes.

Pre COVID-19 a landlord may have attended or sent a representative to the property in order to investigate such reports, and where satisfied of issues, ultimately served notice and sought possession of the property swiftly. Unfortunately, there is inevitably a difficulty in the present climate in undertaking such action, as such remote measures may need to be considered to try and resolve any issues and there are presently issues in seeking possession of properties due to the current stay of proceedings.

Low Level ASB

In cases involving **extreme ASB**, consideration must be given to calling the police (i.e. in circumstances where a criminal offence appears to have been committed, such as criminal damage or assault). However, if the complaints are in the low-level range of ASB (such as loud music, noisy neighbours etc) landlords may need to give consideration to whether remote alternative dispute resolution can be utilised in order to address these issues



(telephone mediation, for example). A landlord may find that the following services can assist in these circumstances:

- Local Authority Noise Nuisance Team (enforcement action may be taken, including service of an abatement notice)
- Local Authority Anti-Social Behaviour Team – many local authorities have specific teams dedicated to assisting private landlords in dealing with tenants who are committing/causing anti-social behaviour

Serious/Persistent ASB

Whilst not discussed in detail within this article, it is well publicised that there is a stay on possession proceedings (pursuant to Practice Direction 51Z of the Civil Procedure Rules), it is important to note that this stay does not apply to injunctions relating to ASB, and landlords may wish to seek a civil injunction against a tenant for breach of a tenancy agreement. The availability of remedies will depend upon the terms of the tenancy agreement, and as such landlords should seek legal advice as a matter of urgency.

Injunctions are always granted at the discretion of the court, and may include a variety of terms, including, in extreme cases, an ‘ouster’ provision, requiring the tenant to vacate the property. It is important to note that this does not necessarily operate so as to terminate the tenancy. Injunctions are potentially complex, and so it is recommended that landlords obtain legal advice prior to issuing any such application.

Evidence

If a landlord believes there is a likelihood of action being taken, it is important that they keep notes of any reports or information they become aware of, including dates and times. In the event of any application being made to court, whether now or in the future, such evidence will be crucial to proving any case.

Landlords are advised to seek advice quickly if they are in receipt of a complaint amounting to ASB.



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**TRACY BIRD
THOMAS MORE CHAMBERS**

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