



Resident evicted for keeping over 50 dogs

In November 2009 the Landlord (L) obtained an Anti-Social Behaviour Injunction (ASBI) against a resident (R) following reports that she had over 30 dogs and had erected unauthorised and unsightly structures in her garden. The ASBI required R to reduce the number of dogs she kept to 3 and remove the unauthorised structures. L had considered issuing Possession Proceedings at the same time as the ASBI proceedings, but was reluctant to do so as R had mental health problems, which included post-traumatic stress disorder and clinical depression.

Within months of the ASBI being imposed it became clear that R was still in breach of her tenancy conditions. - She was advertising puppies for sale and hadn't removed the unauthorised structures. Given her mental health problems, L was reluctant to apply for R's committal to prison for breaching the injunction and so commenced possession proceedings in July 2010.

R was extremely resistant to the possession proceedings. She declared herself physically unfit to travel to court and argued she lacked the mental capacity to take part in legal proceedings. On one occasion, R attended court having taken a high dosage of strong pain killers. A series of psychiatric reports concluded that R had the capacity to understand her actions and that her mental health problems were unrelated to her obsession with dogs.

During the proceedings a dog re-homing charity notified L that they had attended R's property at her sister's request and removed 40 of the 55 dogs they found on site.

A two day trial took place in March 2013. R denied the dogs found by the re-homing charity belonged to her and claimed that one of her relatives had maliciously dumped the dogs on her shortly before the charity arrived. The Trial Judge said he found the evidence from the re-homing charity compelling and that L had done all it could to support R. The Judge also found that despite R saying that she would remove the unauthorised structures she had erected, he was not convinced that she would do so. After all, she had not attempted to remove them in the three and a half years since the ASBI was granted. In fact, R hadn't complied with any of the terms imposed by the ASBI and it was clearly evident that she was keeping a vast number of dogs.

The Judge concluded that it was not appropriate to suspend the Possession Order on terms, as it was inevitable that R would breach those terms. He found L's case for possession was strong but was even stronger back in November 2009 when the ASBI was granted.

This case took a long time to conclude as R's mental capacity to take part in the proceedings was questioned at every hearing. This ultimately led to the trial being adjourned 4 times.

Lessons Learnt

Make sure that you pursue the right legal remedy from the start. Before applying for an ASBI consider whether there is any prospect of:

- (1) the resident complying with the ASBI; and/or;
- (2) the landlord applying for committal if the ASBI is breached.

Tackling ASB and safeguarding the interests of vulnerable residents can be a difficult balancing act. It requires a rounded approach in which policy and procedures are followed, with a view to supporting vulnerable but anti-social residents, whom the Landlord may have to evict.





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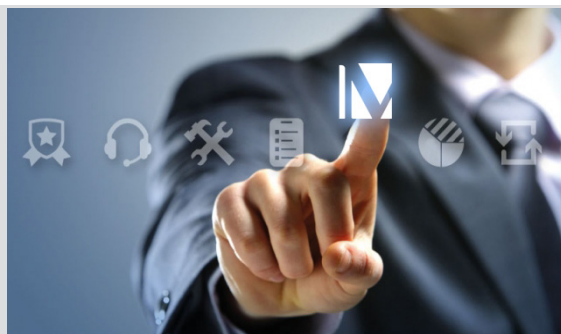
Speakers:

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Bernadette Reid Head of Social Housing of Marsons Solicitors.

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