

ROEHAMPTON GARDEN SOCIETY

PROCEDURE FOR DEALING WITH BREACH OF ALLOTMENT RULES

Roehampton Garden Society (“RGS”) works to ensure that allotments are maintained in accordance with the RGS Allotments Letting Agreement and Rules (“Letting Agreement”). All plots are inspected at least three times a year, most often in the growing season between March and September.

Notice of formal inspections will be published from time to time to plot holders (e.g. on noticeboards). The document “Plot Inspections Objectives/Procedure” explains the inspection procedure in more detail.

Throughout the year the respective site secretaries keep an overview of all plots and contacts a tenant where there seems to be an infringement of any clause of the Letting Agreement. In the first instance, where it appears that a plot is beginning to look neglected, the Site Secretary will usually contact the tenant by telephone or email to enquire if there might be a problem with managing the plot. Often, this contact is sufficient by itself to encourage the tenant to take note and rectify the problem. In the event the problem persists, the Site Secretary will issue the first warning letter initiating the eviction process.

Warnings

All warnings, as set out below, will be issued to plot holders by email or, where there is no email on record, by post to their home address.

1. Stage 1 - Informal Warning

This warning letter will:

- (a) identify each problem;
- (b) enquire if the tenant’s lifestyle is currently incompatible with having a plot;
- (c) offer the opportunity of going on the Secondary Waiting List, if appropriate;
- (d) enquire if the tenant wishes to relinquish the plot;
- (e) advise that the offer of going on the Secondary Waiting List will no longer be available if the problem persists and they receive a Stage 2 letter;
- (f) set a time limit, possibly of 21 days, to rectify the problem(s); and
- (g) advise that this informal warning represents the beginning of the eviction process.

Possible outcomes and actions are:

Outcome A: the problem is resolved or the tenant provides a satisfactory explanation within the prescribed time limit and the problem is likely to be of short duration.

Action: none

Outcome B: the tenant notifies the Site Secretary within the prescribed time limit that their current lifestyle is incompatible with managing a plot and they wish to be placed on the Secondary Waiting List.

Action: the tenant's name is placed on the Secondary Waiting List. The tenant is advised that their name will remain on the Secondary Waiting List for a period of ten years. They will also be advised that applications for another plot will not be accepted until a period of three years has elapsed since their name was placed on the Secondary Waiting List. They will be further advised that their name will be removed from the list if they have not made an application for another plot before the ten year period has expired.

Outcome C: The tenant notifies the Site Secretary within the prescribed time limit that they wish to relinquish their plot.

Action: The Site Secretary will:

- (a) set the deadline for the date the tenant must leave the plot which must be within 28 days of the tenant's notice of leaving;
- (b) require the tenant to remove any personal belongings from the plot;
- (c) advise the tenant that any property left on the plot after the 28 day deadline has expired will become the property of the RGS;
- (d) require the tenant to return the site key by arrangement to the Site Secretary;
- (e) state that no further cultivation on the plot is permitted;
- (f) arrange to offer the plot to the next applicant once the 28 day deadline has expired; and
- (g) dispose of any property left by the tenant in an appropriate manner.

Outcome D: where there is no satisfactory response from the tenant or the Site Secretary is unable to contact the tenant within the prescribed time limit, the matter will move directly to stage 3 and a Formal Warning will be issued.

2. Stage 2 – Serious Warning

Where a more serious problem or repeat minor offences are identified following a formal or informal inspection of the plot, the Site Secretary will write to the tenant:

- (a) outlining each identified problem;
- (b) itemising what needs to be done to remedy it;
- (c) setting a time limit, possibly of 21 days, for the problem to be rectified;
- (d) enquiring whether there is any underlying mitigation which the tenant might wish to raise; and
- (e) advising that this serious warning represents the second stage of the eviction process.

Possible outcomes and actions are:

Outcome A: The tenant remedies the problem(s) within the prescribed deadline.

Action: none

Outcome B: The tenant notifies the Site Secretary within the prescribed time limit that they will give up their allotment.

Action: The Site Secretary will:

- (a) set the deadline for the date the tenant must leave the plot which must be within 28 days of the tenant's notice of leaving;
- (b) require the tenant to remove any personal belongings from the plot;
- (c) advise the tenant that any property left on the plot after the 28 day deadline has expired will become the property of the RGS;
- (d) require the tenant to return the site key by arrangement to the Site Secretary;
- (e) state that no further cultivation on the plot is permitted;
- (f) arrange to offer the plot to the next applicant once the 28 day deadline has expired; and
- (g) dispose of any property left by the tenant in an appropriate manner.

Outcome C: The tenant has not contacted the Site Secretary within the prescribed time limit, no mitigation has been offered and the problem(s) persist.

Action: The Site Secretary proceeds to Stage 3 and a Formal Warning is issued.

3. Stage 3 – Formal Warning

The Site Manager contacts the tenant in writing. This letter should:

- (a) refer to earlier exchanges or attempts at contact;
- (b) outline the persisting current issue(s);
- (c) outline the required remedy;
- (d) set a further deadline, possibly of 21 days, to remedy the situation;
- (e) advise that this formal warning represents the final stage of the eviction process; and
- (f) advise that failure to comply will result in termination of the tenancy;
- (g) Refer to the document 'Procedure for dealing with breach of allotment rules'.

Possible outcomes and actions

Outcome A: The tenant remedies the problem(s) within the prescribed deadline.

Action: The Site Manager will write to the tenant acknowledging that the remedy has been actioned. The tenant will also be advised that any further lapse in plot management will give rise to the termination of the tenancy and eviction from the plot.

Outcome B: The tenant does not remedy the problem(s) to a satisfactory standard.

Action: The Site Manager proceeds to Stage 4. Alternatively, the Site Manager may use their discretion in deciding to write to the tenant again setting a further deadline. In the event there is still no satisfactory remedy following this further letter, the Site Manager proceeds to Stage 4.

4. Stage 4 – Termination of Tenancy

The Site Manager will write a termination letter which will:

- (a) state the problem that has caused the breach(es) of the terms of the Letting Agreement;
- (b) outline the sequence of exchanges or attempted contacts with the tenant;
- (c) state that the problem remains unresolved and the tenancy is terminated;
- (d) set the deadline for the date the tenant must leave the plot, giving 28 days' notice;
- (e) require the tenant to remove any personal belongings from the plot;
- (f) advise the tenant that any property left on the plot after the 28 day deadline has expired will become the property of the RGS;
- (g) require the tenant to return the site key by arrangement to the Site Secretary; and
- (h) state that on receipt of this communication no further cultivation on the plot is permitted.
- (i) State that the tenant has a right to appeal and that the process is documented and entitled "Appeal and Hearing Procedure" which can be found on the RGS website <http://www.roehamptonallotments.co.uk/>: If the tenant does not have access to the website hard copies of the Appeal and Hearing Procedure document should be enclosed with the letter.

The Site Secretary will:

- (a) arrange to offer the plot to the next applicant once the 28 day deadline has expired; and
- (b) dispose of any property left by the tenant after the deadline in an appropriate manner.

September 2022