

MAPPING HOUSING EVICTIONS IN BRUSSELS

Preliminary results for the third work package of the BRU-HOME research project on March 1st, 2021:

Developing an estimate, analyzing the socio-demographic characteristics and geographical distribution of evicted population

Read more about the project: <http://bru-home.ulb.be>

1. Introduction

BRU-HOME's third work package (WP3) aims at developing an estimate of the number of evictions in Brussels and to analyze the socio-demographic characteristics and geographical distribution of the evicted population. For this purpose, we analyze data from judgments authorizing eviction in the 18 Brussels judicial cantons. These data represent therefore evictions occurring in a judicial context. They are the focus of this working paper which starts by describing the database construction so far, then presents the first results emerging from it. As the data collection is still in progress (see below), results are subjects to changes in the coming year.

Before going any further, it is important to remember three points regarding the estimation of evictions number.

Firstly, in addition to judicial evictions, there are also administrative and informal evictions in Brussels. The administrative evictions take place following either an order of uninhabitability by a municipality or a decision by the DIRM (Direction de l'Inspection régionale du Logement). In both cases, administrative evictions are executed by municipalities and, unless immediate peril, a re-housing option must be found before the eviction takes place. These evictions appear to be extremely rare in the Brussels region (Observatoire de la santé et du social, 2019). As to informal evictions, they are by definition difficult to count. To obtain an estimation nevertheless, we are planning a fieldwork in Molenbeek in the continuation of this project.

Secondly, one must always keep in mind that judicial housing eviction is a process. The number of evictions varies therefore according to the stage of the procedure: the eviction

request in Peace Court (stage 1), the eviction order issued by the Peace Court judge (stage 2), the planning of the eviction by a bailiff (stage 3) and finally, the eviction execution under the authority of a bailiff accompanied by police officers, locksmiths, movers, agents from the municipal depot and sometimes CPAS agents (stage 4). At each stage, the number of tenants involved decreases. The *Observatoire de la santé et du social* (2019) estimates that in 2017 there were around 5.000 evictions requested (stage 1) but 600 “only” evictions executed (stage 4). Note that these are estimates, for the Observatory has encountered many difficulties in compiling these data. For the judicial requests (stage 1), the Observatory collected data from the 19 Brussels’ CPAS (16 of which collaborated), but these do not encode the data in the same way, or even do not encode it systematically. Moreover, some CPAS suspect that some of the cases get lost along the way¹. For the effective evictions (stage 4), the authors compared the records of the CPAS, the police, the municipalities and the bailiffs, and they noticed that this records rarely corresponded with each other. The Observatory finally chose to rely on the estimates of the bailiffs' chamber to fix the above-mentioned number of executed evictions.

These considerations bring us to the third point: whatever the type of eviction or the stage in the procedure, there are no official statistics on this issue. The multiplicity of actors involved at each procedural level makes the production of centralized and comparable data extremely difficult. This lack of statistics is deplored by many actors in the sector. We experienced it throughout the many interviews we have conducted. In its report, the Observatory also mentions that this lack of reliable data is the subject of recurring parliamentary questions. More recently, the moratorium on evictions decided in the wake of the lockdown and re-established with the second wave of covid-19 has brought this subject to the forefront of the press, and journalists struggle to find concrete numbers. Eventually, this lack of reliable data and the difficulty to assemble them strongly contributes to the invisibility of the housing eviction phenomenon in Brussels.

It is the main goal of this WP to try to provide a complete and reliable picture of housing evictions in Brussels. To do so, we decided to use the most accurate data source on this issue: the judgments by Peace Court judges authorizing an eviction (stage 2). Although this is a very time-consuming task – for it implies going through Peace Court files (see below) –, we think it's really worth it for the following reasons:

- these data are precise and highly reliable;

¹ Discussion with Christelle Lisombo, coordinator of the housing unit of the CPAS of the city of Brussels (September, 10, 2020)

- these data provide substantial information about the eviction and the people involved (location, modalities of the eviction, age and place of birth of the persons being evicted, owner's profile, ...);
- there are no estimates yet for this stage in the eviction process.

Furthermore, we believe that this stage is crucial in the process and marks the limit between a "forced departure" and an "eviction". From that moment on indeed, the eviction is no longer a mere threat, since it becomes truly executable. For tenants, the countdown has then really begun: if they do not find a re-housing solution within the allocated legal time frame, they will be physically displaced from their home with all their belongings.

2. Data

This section begins by describing the process of the database creation, then reviews the progress of data collection so far and concludes with the description of typical eviction judgments.

In Belgium, to force tenants to leave, landlords have to go through the Peace Court. If the judge finds the request justified, s.he delivers a judgment ordering the tenants to leave, and if the latter does not, allowing the landlord to evict them. In the Brussels Capital Region, Peace Courts are organized at the scale of 18 judicial cantons². Although these cantons bear the names of the municipalities, the cantonal boundaries do not necessarily correspond to the municipal boundaries: some cantonal boundaries correspond to those of the corresponding municipalities (i.e. Etterbeek, Forest, Ixelles, Molenbeek, Saint-Gilles, Uccle); some municipalities are divided into two or more cantons (Anderlecht and Schaerbeek are divided in 2 cantons, City of Bruxelles is divided in 4 cantons; some cantons group together several municipalities or parts of municipalities (i.e. Auderghem is with Boitsfort, Berchem was with a part of Anderlecht, Saint-Josse is with Evere, the two Woluwe are together, Jette was with Gansohren and Koekelberg (but now Jette is alone while Gansohren is with Berchem and Koekelberg)). Cantonal limits appear on figure 2.

As judicial administration in Brussels (or in Belgium) is far from being digitized, collecting eviction judgments necessarily implies to visit each of the 18 jurisdictions in order to access judgments only available in printed version (see figure 1). Moreover, Peace Courts' judgments

² The map of the judicial cantons has been slightly modified in 2019. This change doesn't impact our results, for we have collected data for 2018.

being sorted chronologically rather than by type of case³, we have to go through them all one by one in order to find out those concerning an eviction and photograph each of them individually. These data were then encoded manually and, as this takes a considerable amount of time, we hired students to help us. Finally, a series of computing processes must be performed before these data can be mapped and analyzed, such as i.a. bringing out of the database evictions concerning shops, company buildings or garages, erasing duplicated cases, assigning a type to each landlord, or correcting badly geolocated addresses.

Fig. 1. The 25 books containing the 4.415 judgments (all types included) pronounced by the canton of Saint-Josse-ten-Noode for the year 2018. (Photo: Pernelle Godart, September 1, 2020)



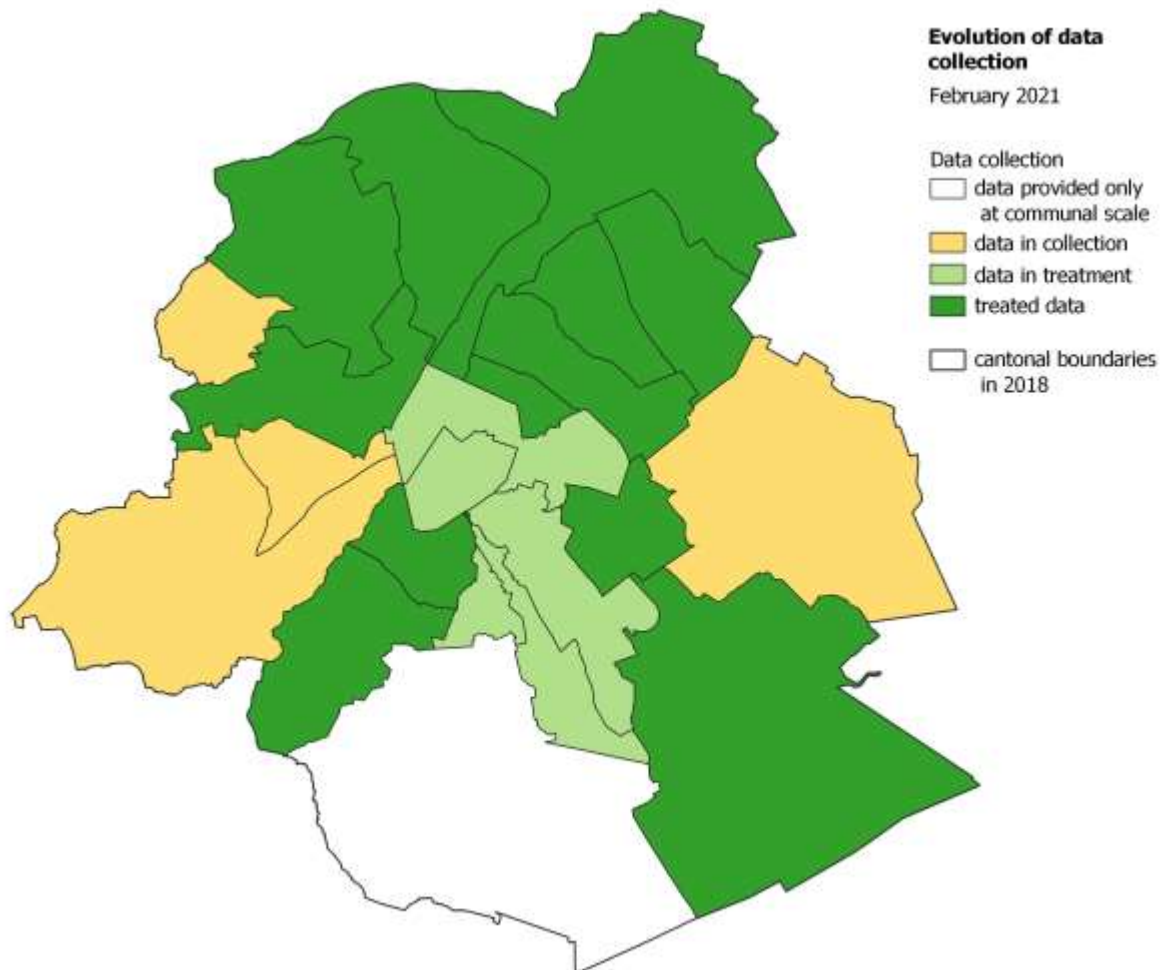
The map below shows the progress of our data collection and treatment (figure 2). For the moment (i.e. end-February 2021), we have collected, encoded and fully processed data for 11 cantons, namely: Auderghem (including Boitsfort), Etterbeek, Brussels 3 (Laeken), Brussels 4 (north of Brussels), Forest, Jette (including Ganshoren and Koekelberg), Molenbeek⁴, Saint-Gilles, Saint-Josse (including Evere) and the two cantons of Schaerbeek. We are in the process of collecting or encoding data for 6 other cantons, namely: Anderlecht 1, Anderlecht 2 (including Berchem), Brussels 1 (south of the pentagon and avenue Louise), Brussels 2 (European quarter and north-west of the pentagon), Ixelles and Woluwe-Saint-Pierre (including Woluwe-Saint-Lambert). Only the canton of Uccle has refused to let us access the

³ Peace Courts are competent to deal with rental matters, but also with neighbour problems, co-properties conflicts, debts issues (under 5.000 euros) and requests for administration.

⁴ For Molenbeek exceptionally, the data are from the year 2014.

judgments. We intend to try again later, making the argument that all other cantons have accepted. Nevertheless, the Peace Court of Uccle communicated us the total amount of eviction judgements for the year 2018.

Fig. 2. Evolution of data collection (February 2021)



The form of eviction judgments varies slightly from canton to canton. They usually begin with a cover sheet containing judicial identification numbers, the date of the hearing and a mark if the judgment has been expedited. If yes, this means that a bailiff has seized it. It is one of the steps towards the execution by force (stage 4). The bailiff must then transmit the judgment to the tenants (this is called in legal language "the judgment's signification") and from that moment on, the legal time frame applies before the physical eviction can take place. The following pages always contain, in addition to legal jargon, a passage quoting the parties involved and a passage mentioning the judge's decision. The debates and the position of each of the stakeholders are sometimes described, but this is not systematic. Concerning the persons involved, there is always, as a minimum, the name, address and an indication of presence,

absence or representation by a lawyer at the hearing. There is also often the date and place of birth of the tenants, but not always. More rarely, legal status and profession are also included.

Concerning the judge's decision, we can classify the judgments into three main categories:

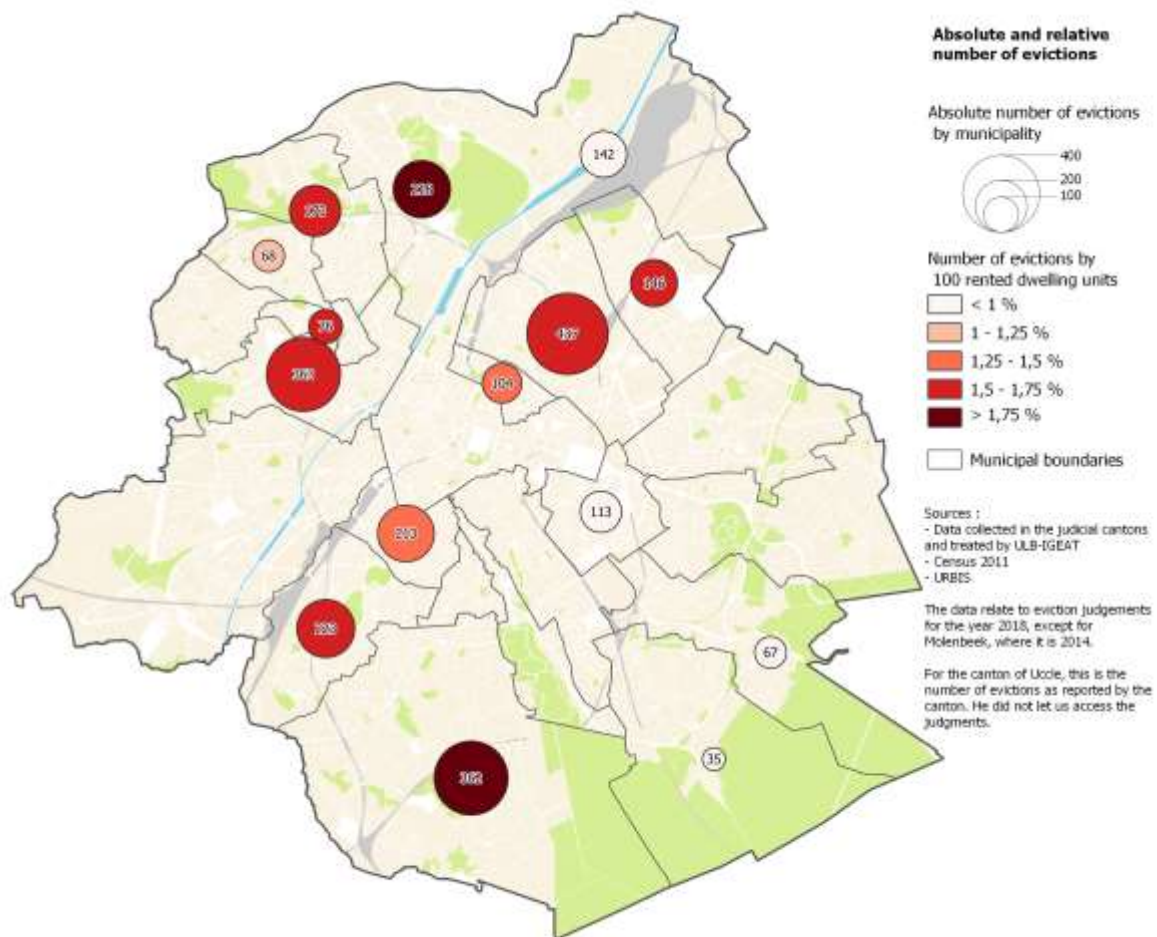
- 1) Those ordering an immediate eviction. The applicable deadlines are then described. Generally, the physical eviction can occur after a period of one month after the judgment's signification. But sometimes this one-month delay after the signification is reduced to a few days or even to nothing. An example of this type of judgment can be found in the appendix 1.
- 2) Those giving a date by which the tenants must be gone. In many cases, it is the end of the current month, but the judge may also grant a later date if special circumstances apply (pregnancy, illness, presence of an elderly person or school-going kid...). If the tenants have not left by this date, they can then be physically evicted.
- 3) Those giving tenants a last chance to pay their debts. This type of decision occurs only in cases where tenants are represented (in person or by a lawyer) at the hearing. In this case, the judgment establishes a plan to spread the debts (or eventually gives an ultimate deadline for complete payment). If the tenant defaults on any of the payments, even if it is months or years later, he can be physically evicted. In this case, there is no need anymore for the owner to request an eviction order from the Peace Court. We decided to include this type of decision in our database because even if the eviction does not take place, this decision indicates that the tenants live under a permanent threat of eviction. An example of this type of judgment can be found in the appendix 2.

In addition to this, the part with the judge's decision also contains the amounts generally owed by the tenants to the landlord (i.e. arrears of rent and charges, occupancy compensation, rupture compensation). If there is a rental guarantee, the judgment often specifies that it must be released to the landlord to cover part of the debts. Finally, in cases where the parties involved do not agree on possible damages, an expert is mandated to evaluate the amount and cause of the damage.

3. First results

This section shows five maps and gives some statistics to illustrate the potential of the dataset under construction. As described above, the data of eleven cantons have already been fully processed and we are currently working on six other cantons. As explained above, when we talk here about evictions, we refer to judgments allowing an eviction.

Fig. 3. Absolute and relative number of evictions by municipality, year 2018.



The map above shows the number of judgments allowing an eviction in 2018 per municipality⁵ (figure 3). So far, there are a total of 2.740 evictions recorded for a territory representing thirteen and a half municipalities. On this territory, the average eviction rate is of 14,5 %. This means that there were close to 15 evictions for every 1.000 rented dwellings units in 2018 in

⁵ This map contains the data already processed and the number of evictions in Uccle which has been provided by the canton. As we do not have all the data for the city of Brussels yet, only Laeken and the north of Brussels are represented.

these cantons. If we apply the same rate to the entire Brussels region, we get about 4.350 households evicted from their homes for the year 2018.

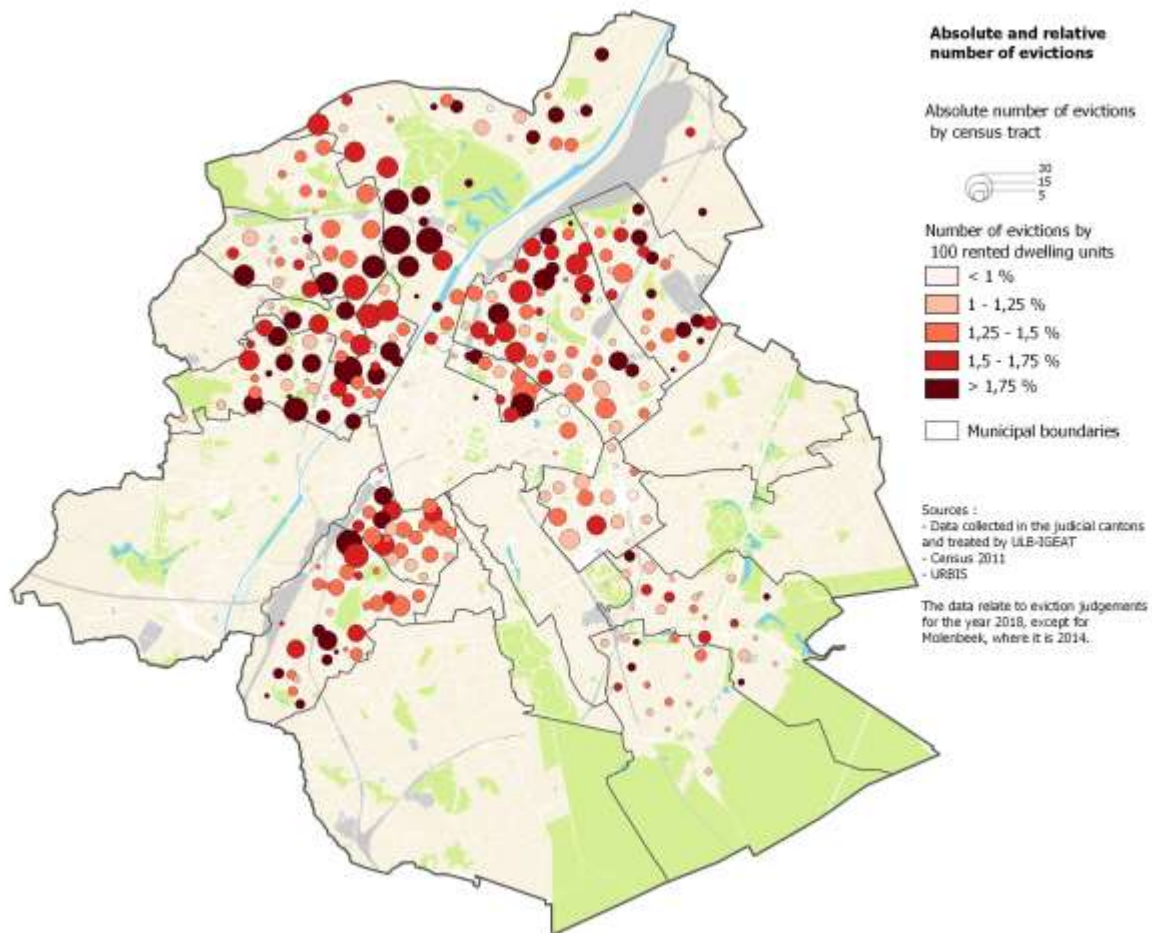
These first results can already be compared with the data that had been collected by the *Observatoire de la santé et du social* (2019). As a reminder, the Observatory obtained an estimate of 5.000 evictions requested in Peace Court (stage 1 of the procedure) and we obtain an estimate of 4.350 judgements allowing an eviction (stage 2 of the procedure). This can mean either that almost 9 out of 10 eviction requests result in an eviction judgment, either that the data collected by the Observatory is underestimated. This question deserves to be further explored in the coming years of this research.

On the map above, the size of the circles indicates the absolute number of evictions by municipality while the color indicates the rate of eviction. Concerning the absolute number of evictions, it varies from 35 in Boitsfort to 437 in Schaerbeek. But comparing these values does not make much sense since they are dependent on the size of the municipalities. Concerning the eviction rate, it varies from 6‰ in Boitsfort to 20‰ Laeken and 21‰ Uccle⁶. It can therefore be seen that the eviction rate varies by more than a factor of 3 at the municipality scale. In the coming years of this project we will seek the factors behind these such differences.

The next map (figure 4) follows the same logic but for a different scale. It shows the number and rate of evictions by census tract. At this scale, a particular geography seems to be taking shape, that is: centrally-located neighborhoods appear to have higher eviction rates compared to more peripheral neighborhoods, as shown for instance by the contrast between lower Schaerbeek versus upper Schaerbeek and Etterbeek, between lower Saint-Gilles and upper Saint-Gilles or between Eastern Molenbeek and Laeken versus neighborhoods further northwest. It remains to be seen whether the addition of the upcoming data in the coming months will confirm this pattern, in particular the data of the city center which will link the different territories mentioned.

⁶ We must be careful with the numbers from Uccle since they were not collected in the same way than the others.

Fig. 4. Absolute and relative number of evictions by census tract, year 2018.

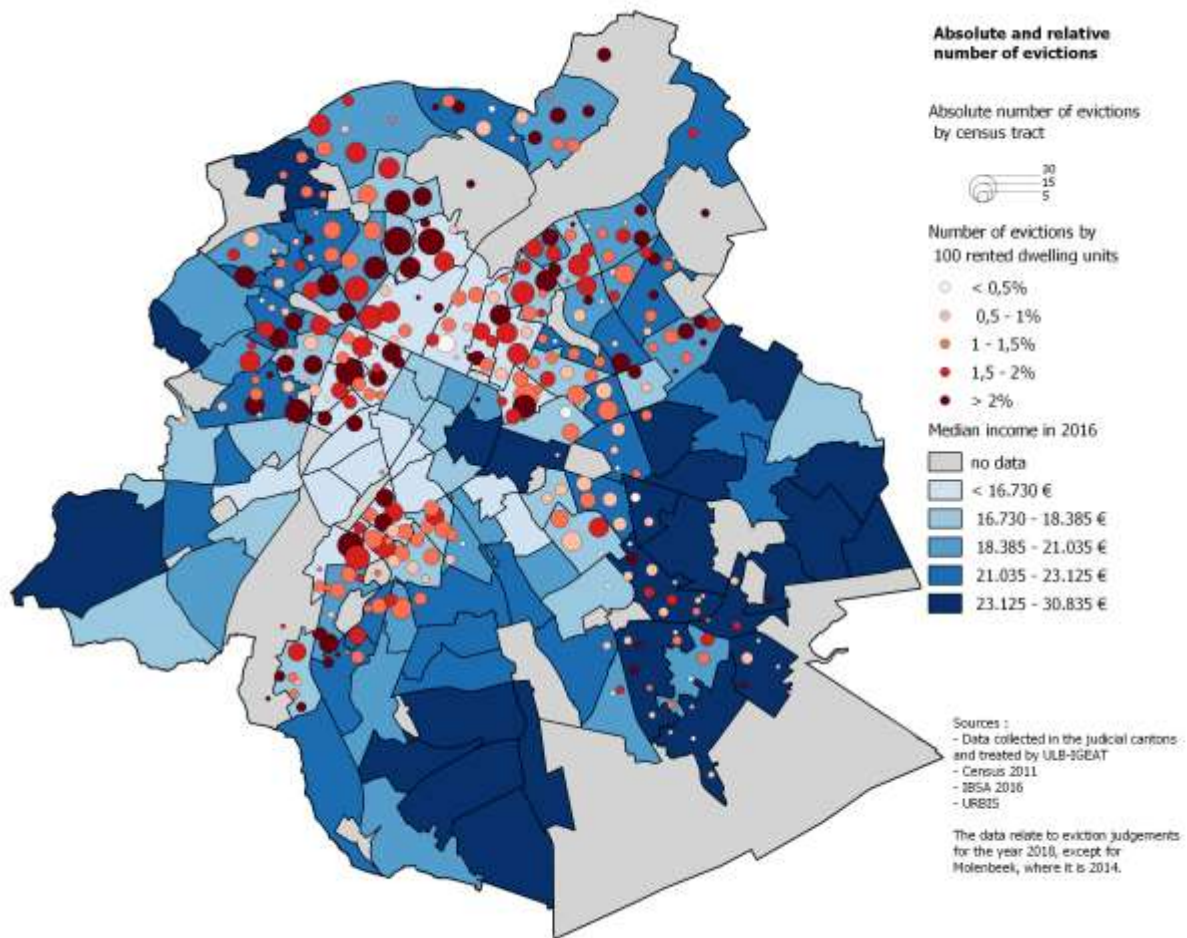


The map in figure 5 shows the same absolute and relative numbers of evictions, while also showing the median income per neighborhood in the background. This overlay indicates a correspondence between the eviction rates and the median income per neighborhood, however high rates of eviction are not un-common in affluent neighborhoods. This can be seen, for instance, in Auderghem and Boitsfort: although the absolute number of evictions is quite low in these municipalities, they show high eviction rates in several places⁷.

This suggest that the geography of housing evictions does not simply reflect the socio-economic geography of the city. The high eviction rate in the municipality of Uccle already foreshadowed this, but as mentioned above, the data for Uccle should be taken with a grain of salt. The data from the two Woluwe (still being collected) will be useful to corroborate this assertion.

⁷ Note that these places do not correspond, for the most part, to social housing neighborhoods (see fig. 6).

Fig. 5. Absolute and relative number of evictions by census tract and median income, year 2018.



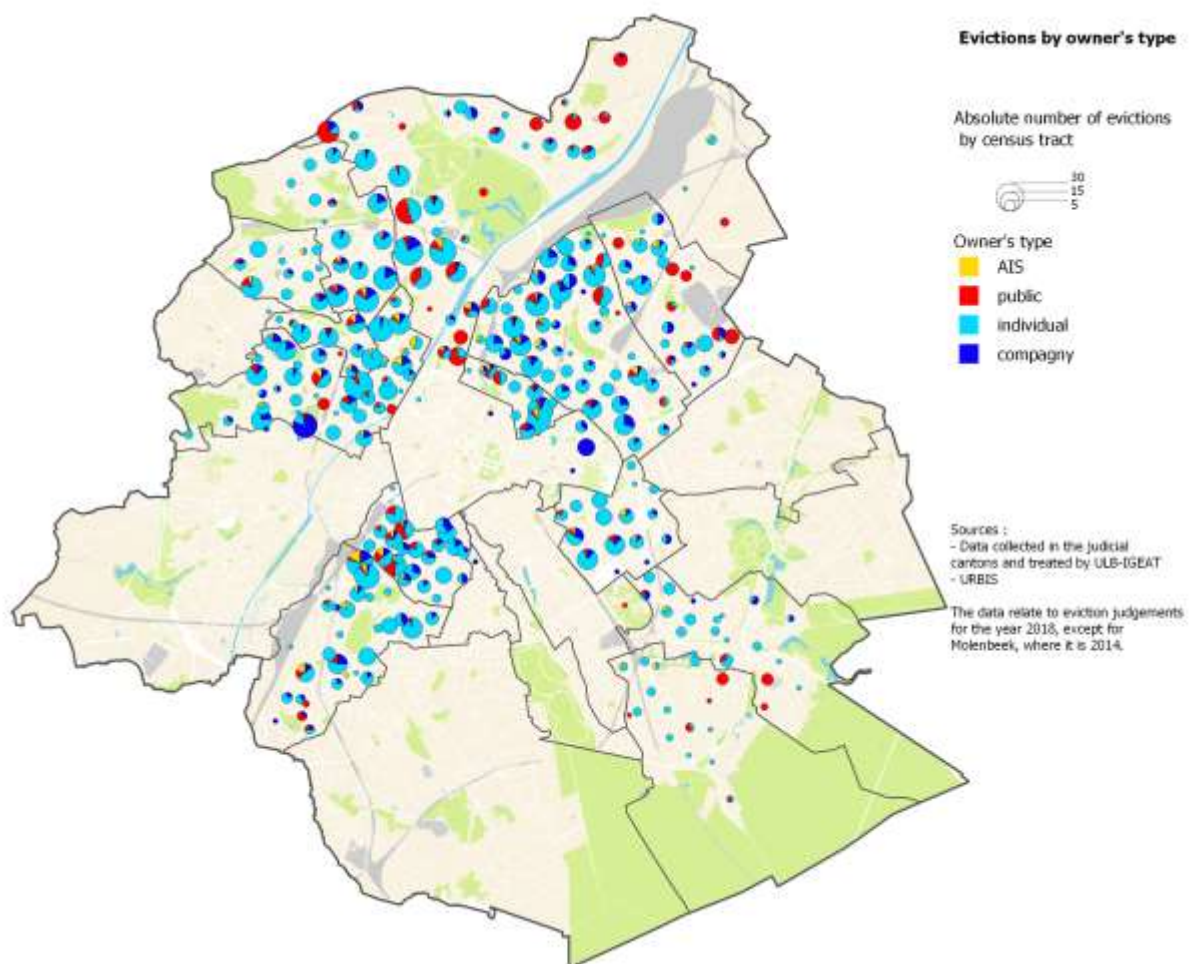
Maps displayed in figure 6 and 7 focus on the landlords behind evictions. They intend to explore the question: who are the landlords evicting tenants? To do so, landlords who have requested an eviction in a Peace Court were classified into five types: individual, private company, social real estate agency (AIS), social housing companies (SISP) and other public authorities (including CPAS, municipalities (*régie foncière*) and the cooperative society *Fonds du Logement de la Région de Bruxelles-Capital*). For the maps, we have grouped the SISP together with the other public authorities.

As figure 6 shows, the majority of evictions in our dataset are carried out by individual landlords (71,1%). The remaining are distributed amongst companies (12,3%), SISP (9,5%), other public authorities (3,7%) and AIS (3,4%). It would be interesting to compare this with the ownership structure in Brussels, and more specifically, with the distribution of owners renting out dwellings. But the latest data available on this matter are from 2011 and only allow an approximation of the share of social housing among all rented dwellings. In 2011, this share

was very close to 13%, but it is most likely an overestimate because the number of empty social housing units at that time is unknown⁸. In any case, if we compare this figure with the share of evictions ordered by social housing landlords (i.e. 9,5%), we can see that they evict proportionally slightly less than other types of landlords.

Regarding the geographical distribution of these types of landlords, we can say at this stage that evictions of public owners seem to be more concentrated, a situation likely to reflect the concentration of social housing in some neighbourhoods (ex. Cité Modèle in Brussels, Logis-Floreal in Boitsfort).

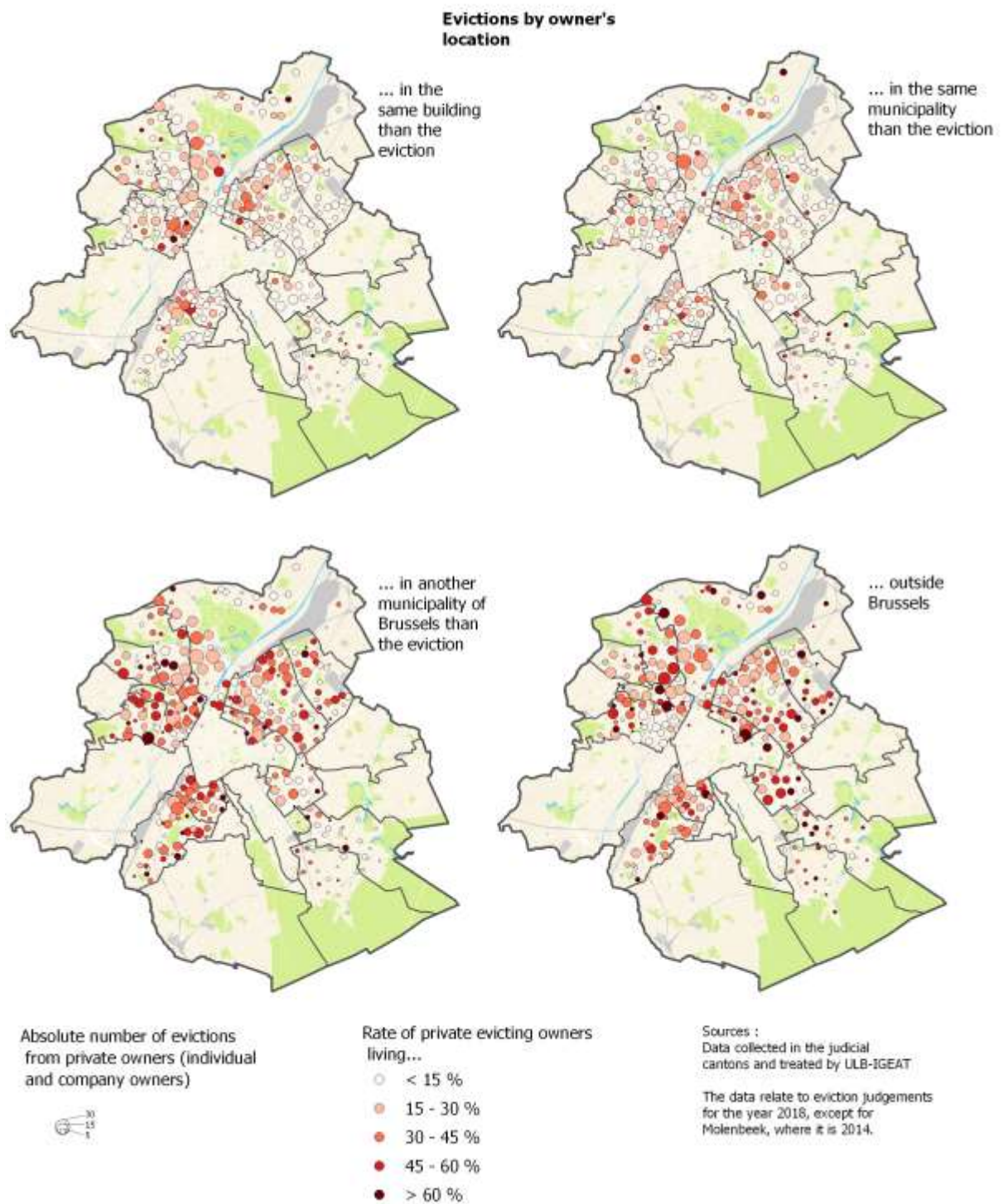
Fig. 6. Eviction by owner's type, year 2018.



⁸ This estimate is made by relating the number of social housing units in 2011 (source: SLRB) with the number of occupied rented housing units in 2011 (source: Census 2011). This is probably an overestimate because the number of social housing units includes empty dwellings unlike the total number of occupied rented housing units.

Finally, the series of four maps in figure 7 only records evictions requested by private owners (individuals or companies, i.e. 83% of the dataset) and indicate the latter's proximity with the eviction site. They show respectively the share of owners living in the same building as the evicted tenant (15%), in the same municipality (16%), elsewhere in Brussels (34%) or outside Brussels (35%). A clear geography appears here, with much higher proportions of owners living close to the evicted tenants (i.e. at the same address or in the same municipality) in the central districts, while evictions in peripheral neighborhoods are requested from more distant owners (i.e. living in another Brussels municipality or outside the Brussels Capital Region). Hence, this series of map suggests that although ownership structures differ from neighborhood to neighborhood, they all can lead to evictions. It is also interesting to note here that collecting judgments on housing evictions enable to shed light on another quite invisible reality: the evicting landlords.

Fig. 7. Evictions by owner's location, year 2018.

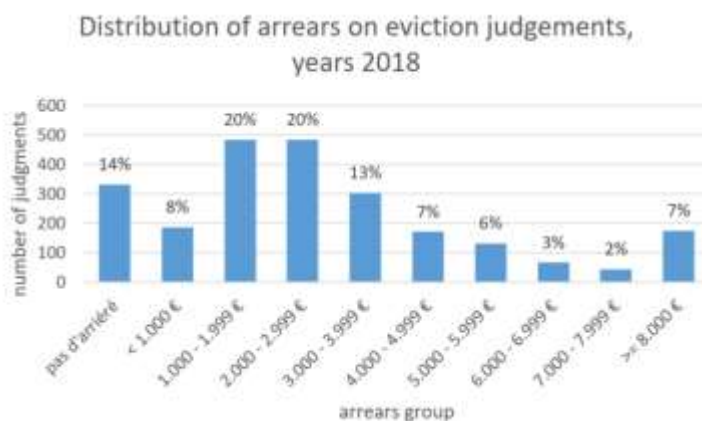


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To close this section, here are some other statistics for the eleven cantons whose data have been processed. These are “dry” statistics that will be further completed and analyzed when the collection, encoding and processing of data will be complete.

- Among the 2378 judgments authorizing an eviction, 66% concern an immediate eviction, 18% concern judgments that give a date by which the tenants must be gone and 16% relate to judgments that give tenants a last chance to pay their debts.
- In 59% of cases, tenants were neither present at the hearing nor represented by a relative or lawyer. In 30% of the cases, they were present personally, and they were represented by a lawyer in only 12% of cases.
- Arrears (rent and/or charges > 700€)⁹ justify eviction in 77,6% of cases. The main other reasons mentioned are: termination of lease by the landlord (or non-renewal) in 9,3% of cases, agreement (1,9%), occupation without title or right (1,3%), damage (0,9%), neighborhood disturbance (0,8%), use disturbance and insalubrity (0,7%) and, in a lesser extent, over-occupation, subletting, conflict with family or owner, nullity of the lease, non-respect of social housing conditions and seizure of property. There are also almost 6% of eviction judgements where no reasons are mentioned. We must be aware, however, that these figures may hide much more complex realities. Indeed, judgments provide little information about the real causes of eviction which are often multiple. For example, tenants may withhold rent because they consider that the landlord must first repair their apartment. But in doing so, they are legally wrong and therefore provide a pretext for eviction.

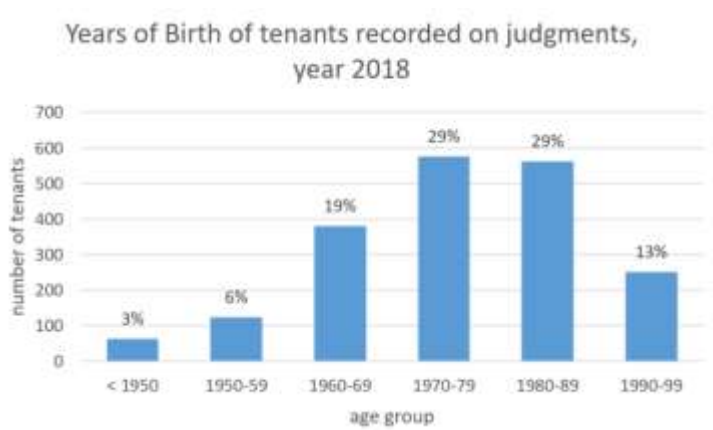
Fig. 8. Amount of arrears on eviction judgements, year 2018.



⁹ We have chosen not to consider arrears of less than 700 euros as a reason for eviction. This is an arbitrarily chosen threshold based on the average rent in Brussels. If the judgment clearly puts forward another reason for eviction, but there are nevertheless arrears of more than 700 euros, the other reason is used here.

- The median amount of arrears is 2.700 euros while the average amount is 3.800 euros. Most of the eviction judgments are thus based on (very) small rental debts. The distribution of arrears is shown in Fig. 8.
- Of the 3102 tenants listed on the judgments, 56% are men, 43% are women and the remaining percentage is unknown. The tenants listed on the judgments correspond to the tenants listed on the leases. Children are therefore never registered and in the case of a couple, it may happen that only one of the two members is marked on the judgment.
- We have birthplaces for 1.138 tenants. Among them, 27% were born in Belgium, 27% elsewhere on the European continent, 37% on the African continent and the remaining 9% on the others continents. More than two thirds were therefore born outside Belgium.
- We have years of birth for 1958 tenants¹⁰. 58% of them were born between 1970 and 1989. These are the age groups most likely to have children at home (see figure 9).

Fig. 9. Age of the persons mentioned in judgements being evicted, year 2018.



- For the judicial canton of Laeken, we have collected judgements on two dates: 2014 and 2018. There is a clear increase in the number of judgments allowing eviction: from 186 judgments in 2014 to 242 judgments in 2018. This represents an average annual growth rate of 6.8%, which is quite high.

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¹⁰ For Molenbeek, as the data dates from 2014, the tenants have been artificially rejuvenated by 4 years to allow comparison with other judicial cantons.

Conclusion

This mid-term results document was not intended to draw any final conclusions, but rather to demonstrate the utility and potential of this approach. The efforts to collect and process the data will continue in the coming months in order to offer the most complete picture possible of the eviction phenomenon in Brussels. The enlargement of the dataset will also allow further spatial analysis to be carried out, taking for instance into account the available data on property structures or on the socio-demographic profile of average tenants from Brussels. In the end, the ultimate goal is to make a publicly accessible and sustainable dataset.

Appendix

Appendix 1. Example of an unconditional eviction judgment

The document is a judgment from the Justice de paix Forest. It features a table for 'Expédition' (copies) and a stamp indicating it is not registrable.

Expédition		p. 2	
Numéro de répertoire 2018 / [REDACTED]	délivré à (dem.)	délivré à	délivré à
Date du prononcé 27 février 2018	le €	le €	le €
Numéro de rôle [REDACTED]	DE:	DE:	DE:

SDRD
 ne pas présenter au receveur

**Justice de paix
Forest**

JUGEMENT

présenté le :
ne pas enregistrer

PRESENTE LE :
12-03-2018
NON ENREGISTRABLE
LE RECEVEUR [REDACTED]

A l'audience publique du **mardi vingt-sept février deux mille dix-huit**, au prétoire de la Justice de Paix du canton de FOREST, Nous ■■■■■, Juge suppléant du canton précité, assisté de ■■■■■, Greffier de la juridiction susdite, avons prononcé le jugement suivant:

EN CAUSE:

■■■■■, domicilié(e) à 3040 HULDENBERG, ■■■■■, représenté(e) par ■■■■■
■■■■■ loco Me ■■■■■, avocat,

partie demanderesse;

CONTRE:

■■■■■, registre national ■■■■■, de nationalité belge, née à Saint-Josse-ten-Noode le ■■■■■, mariée, domicilié(e) à 1190 FOREST, ■■■■■, défaillant(e)
■■■■■, registre national ■■■■■, de nationalité marocaine, né à Guercif le ■■■■■
sans profession, marié, domicilié(e) à 1190 FOREST, ■■■■■, défaillant(e)

partie défenderesse;

Vu la requête du 24 janvier 2018 déposée au greffe le 29 janvier 2018.

Vu l'ordonnance de fixation du 14 février 2018 basée sur l'article 1344bis, alinéa 4 C. jud.

Vu les convocations des parties par pli judiciaire du 14 février 2018 basée sur l'article 1344bis, alinéa 4 C. jud.

Vu les dispositions de la loi du 15 juin 1935 relative à l'usage des langues en matière judiciaire.

Vu :

- l'avis envoyé au C.P.A.S. de Forest en date du 21 février 2018 par application de l'article 1344 ter du Code Judiciaire.

Attendu que la partie défenderesse quoique dûment convoquée et appelée, ne comparait pas, ni personne pour elle.

Attendu qu'il résulte des éléments de la cause, notamment des explications fournies par la partie demanderesse, qu'il y a lieu de statuer comme dit dans le dispositif ci-après.

PAR CES MOTIFS:

Statuant par défaut et en premier ressort.

Constatons que les parties n'ont pu être conciliées.

Condamnons les défendeurs solidairement et indivisiblement à payer à la partie demanderesse la somme de **deux mille six cent quarante-trois euros vingt-huit cents** à titre d'arriérés locatifs, le mois de février 2018 inclus, à majorer des intérêts légaux depuis le 2 janvier 2018 sur la somme de deux mille quarante-trois euros vingt-huit cents et depuis le 1er février 2018 sur la somme de cinq cent nonante-neuf euros.

Prononçons la résolution du bail existant entre parties aux torts de la partie défenderesse à la date du 28 février 2018, condamnons la partie défenderesse à déguerpir des lieux litigieux sis à 1190 FOREST, ■■■■■ (appartement au premier étage), faute par elle de ce faire, autorisons dès-à-présent et pour lors, tout huissier de Justice à ce requis à l'en expulser, elle, les siens et tous ceux qui pourraient s'y trouver de son chef et de mettre leurs meubles et effets sur la voie publique, et ce

après un délai d'un mois suivant la signification du présent jugement.

Condamnons les défendeurs solidairement et indivisiblement à payer à la partie demanderesse la somme de **mille six cent onze euros** à titre d'indemnité de résolution (3 mois de loyers).

Pour autant que de besoin, condamnons les défendeurs solidairement et indivisiblement à payer à la partie demanderesse à titre d'indemnité d'occupation la somme de **dix-sept euros nonante cents** par jour à partir du 1er mars 2018 jusqu'à la libération effective des lieux.

Condamnons les défendeurs solidairement et indivisiblement en outre aux dépens, liquidés jusqu'ores à **six cent septante-cinq euros**.

Autorisons la partie bailleresse à garder par devers elle la garantie locative de mille septante-quatre euros, reçue en espèces, somme à bonifier d'intérêts, au taux judiciaire depuis la remise des fonds, à concurrence des condamnations en vertu du présent jugement.
Disons que la compensation -légale- opère le jour où le bail prend fin.

Et Nous, Juge suppléant avons signé avec le Greffier.

Le Greffier,




JUSTICE DE PAIX
FOREST
JUGEMENT

Le Juge suppléant,



Appendix 2. Example of a conditional eviction judgment (debt spreading plan)



	Expédition	Titre européen	
Número de répertoire 2018 / [REDACTED]	délivrée à [REDACTED]	délivrée à	délivré à
Date du prononcé 19 avril 2018	le 13 JUIN 2018 € 7€	le €	le €
Número de rôle [REDACTED]	DE: [REDACTED]	DE:	OR:

ne pas présenter au receveur

Justice de paix
du canton d'
Etterbeek

JUGEMENT

Présenté le 04 MAI 2018

Non enregistrable
[REDACTED]

Page 1

A l'audience publique du jeudi dix-neuf avril deux mille dix-huit, au prétoire de la Justice de paix du canton d' Etterbeek, le juge de paix suppléant du canton précité, assisté de greffier délégué de la juridiction susdite, a prononcé le jugement suivant:

EN CAUSE:

, né le , domicilié à 1040 Etterbeek, représenté par Maître , avocat à 1080 Molenbeek-Saint-Jean, partie demanderesse;

CONTRE:

, née à Lublin (Pologne) le , domiciliée à 1040 Etterbeek, comparissant personnellement

, né à Rzym (Pologne) le , célibataire, domicilié à 1040 Etterbeek, représenté légalement par sa mère partie défenderesse;

Vu la requête du 26 mars 2018 déposée au greffe le 26 mars 2018;

Vu l'ordonnance de fixation du 26 mars 2018 basée sur l'article 1344bis, alinéa 4 C. Jud.;

Vu les convocations des parties par pli judiciaire et par lettre simple du 26 mars 2018 basées sur l'article 1344bis, alinéa 4 C. Jud.;

Vu la loi du 15 juin 1935 relative à l'usage des langues en matière judiciaire;

Vu les rétroactes de la cause;

Entendu les parties en leurs explications;

Motivation

Il résulte des éléments de la cause que l'action est recevable et fondée comme précisé au dispositif ci-après.

La partie défenderesse sollicite des délais de paiement en application de l'article 1244 du Code civil et de l'article 1333 du Code judiciaire.

Il y a lieu de faire droit à la demande comme suit.

Décision

Le Tribunal, statuant **contradictoirement et en premier ressort**,

Déclare l'action recevable et fondée comme dit ci-après;

Condamne la partie défenderesse solidairement à payer à la partie demanderesse la somme de **4200 EUROS**, à titre d'arriérés de loyer, le mois d'avril 2018 inclus.

Autorise la partie défenderesse à se libérer de ces condamnations par des versements mensuels consécutifs de **300 EUR** à partir du **10 mai 2018**;

Dit qu'à défaut de paiement à l'une des échéances, ainsi que le loyer pendant cette période de facilités de paiement, le solde restant dû deviendra immédiatement exigible, sans mise en demeure préalable;

Condamne la partie défenderesse solidairement aux dépens, liquidés à ce jour, dans le chef de la partie demanderesse à :

- frais de requête et de mise au rôle :	40 EUROS
- contribution au fond d'aide :	20 EUROS
- indemnité de procédure :	<u>450 EUROS</u>
- total:	510 EUROS

Dans ce cas :

1° Déclare résilié le bail avenü entre parties relatif au bien loué sis 1040 ETTERBEEK, [REDACTED], aux torts de la partie défenderesse.

2° Condamne par conséquent la partie défenderesse, solidairement, à quitter les lieux précités, à les libérer et les remettre à la libre et entière disposition de la partie demanderesse dans le mois de la signification du présent jugement.

3° Dit qu'à défaut de ce faire par la partie défenderesse solidairement dans le délai impartí, la partie demanderesse est dès à présent et pour lors, autorisée à faire expulser la partie défenderesse, solidairement, de cet immeuble, ainsi que tous occupants de son chef, et à faire mettre ses meubles et ses effets mobiliers sur le carreau, par le premier huissier de justice à ce requis, au besoin avec l'aide de la force publique.

4° Condamne la partie défenderesse solidairement à payer à la partie demanderesse la somme de **1350 EUROS**, réduit par Nous, le Juge de paix à trois mois de loyer, à titre d'indemnité de résolution.

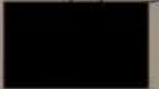
5° Condamne la partie défenderesse solidairement au paiement de la somme de **18 EUR** par jour à titre d'indemnité d'occupation. Ce montant est dû pour chaque jour commencé durant lequel les lieux n'ont pas été entièrement libérés.

Renvoie l'affaire au rôle pour le surplus de la demande.

Déclare le jugement exécutoire par provision, nonobstant tous recours.

Et le juge de paix suppléant a signé avec le greffier délégué.

Le greffier délégué,



Le juge de paix suppléant,

