

Eviction if your landlord is repossessed

This factsheet looks at what can happen if your landlord does not pay their mortgage and the mortgage lender takes court action to repossess your home.

You can lose your home if your landlord hasn't kept up with their mortgage payments. This can happen even if you are up to date with your rent.

What the mortgage lender can do

The mortgage lender (usually a bank or building society) can take your landlord to court if they owe money on their mortgage.

Lenders can appoint a receiver to manage the property instead of going to court. You should pay rent to the receiver if asked to.

Notice of the court hearing

The lender must send a letter to the property addressed to 'the tenant or the occupier'. This will tell you where and when a repossession hearing will take place.

Always open post addressed to 'the occupiers'. Don't assume it's junk mail.

Is your tenancy binding?

If your tenancy is a binding tenancy, the mortgage lender becomes your landlord after repossession. You are likely to have a binding tenancy if:

- your landlord had a buy-to-let mortgage
- the property was sold to your current landlord after your tenancy started
- you were a tenant in the property before your landlord took out the mortgage

The court will usually want to see evidence of when your tenancy started, eg tenancy agreement, letters or emails from your landlord, and tenancy deposit information.

Even if you have a binding tenancy with the lender, they could still evict you by following the correct legal process.

Check if you have a binding tenancy

Ask your landlord when their mortgage started if you don't know. You can also search for this information on the [Land Registry website](#) (for a £3 fee).

The lender usually won't give you information directly unless you are officially part of the court proceedings.

If your tenancy isn't binding

If your tenancy isn't binding, the mortgage lender can apply to the court for bailiffs to

evict you if the court says the property can be repossessed. You can ask the lender to delay eviction for up to two months. You can't ask for a delay if you are a lodger.

Taking part in the repossession hearing

Use court form N244 to apply to the court to take part in the repossession hearing. The hearing is your opportunity to:

- provide the court with evidence that you have a binding tenancy
- ask for your eviction to be delayed by two months if you don't have a binding tenancy

If you don't have chance to fill in the form N244, you can still go to the hearing and ask the judge if you can speak. Take evidence of your tenancy to court with you.

If you didn't know about the hearing

If the court made a possession order, you should get two letters about eviction.

- 1) The lender must send or deliver a letter to the property notifying you that they will ask the court to order the bailiffs to evict anyone left in the property
- 2) The court will send a letter notifying you of the date the eviction will take place.

Act quickly to stop the bailiffs

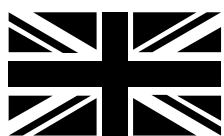
If your tenancy isn't binding you can apply to the court to delay eviction by bailiffs for up to two months, but only if the court hasn't considered this before.

If your tenancy is binding, you can apply to the court to stop the bailiffs and to set aside the original possession order. The lender then becomes your landlord.

Further advice

You can get further advice from [england.shelter.org.uk/housing_advice](#), a local Shelter advice service or local Citizens Advice.

If you have nowhere to sleep tonight, are at risk of harm or losing your home within the next 2 months, call Shelter Helpline on 0808 800 4444 for advice and information on your options. Calls are free from UK landlines and main mobile networks.



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Note
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