

Section 21: defences

All ASTs from 1 October 2018

- notice not in writing
- notice period less than the statutory minimum
- notice served within the first 4 months of the original tenancy start date
- non-compliance with tenancy deposit legislation
- the property is subject to licensing and at the time the notice is served, no licence, no application and no temporary exemption in place
- claim for possession not started within the statutory time limit from when the notice was served:
 - eights months for notices served between 1 June 2021 and 30 September 2021
 - ten months for notices served between 29 August 2020 and 31 May 2021
 - six months for notices served before 29 August 2020 and after 30 September 2021 (or four months from expiry if served on a yearly or quarterly periodic AST)

AST started before 1 October 2015 (and not replaced with a fixed term since)

Section 21 notice served before 1 October 2018

- retaliatory eviction where section 21 is served within 6 months of local authority relevant notice
- notice on a contractual periodic AST must end on last day of a period of tenancy

Section 21 notice served on/after 1 October 2018

- retaliatory eviction where section 21 is served within 6 months of local authority's relevant notice
- retaliatory eviction where section 21 is served after a written complaint about disrepair and followed by a relevant notice

AST started on/after 1 October 2015

- no EPC
- no gas safety certificate
- no 'How to rent guide' (no time limit for compliance as long as provided before section 21 notice is served)
- notice not on form 6A
- retaliatory eviction defences

All ASTs from 1 June 2020

Where the tenant has been charged a prohibited payment under the Tenant Fees Act 2019 (including a deposit above the prescribed threshold), any section 21 notice is invalid until the payment is:

- returned to the tenant, or
- (with the tenant's permission) credited towards their rent or tenancy deposit

