

Section 21 notices: procedure

The first of three factsheets looking at section 21 notices.

This factsheet looks at how your private landlord can end your assured shorthold tenancy using the 'no fault' procedure in section 21 of the Housing Act 1988.

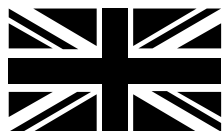
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Note
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Your landlord does not need a reason to end your assured shorthold tenancy (AST) but must follow the correct procedure. The first step is for your landlord to give you a section 21 notice.

How much notice you must be given

A section 21 notice must give you at least two months' notice.

If your tenancy started before 1 October 2015 and you've never had a fixed-term AST (eg for six or 12 months) the notice must also:

- say on it that it's being issued under section 21 of the Housing Act 1988
- end on the last day of a tenancy period (usually the day before your rent is due).

What does the notice look like?

A section 21 notice must be in writing. Your name and the address of your tenancy must be correctly set out on the notice. If you are a joint tenant your landlord can give the notice to any of the joint tenants.

If your AST started or was renewed on or after 1 October 2015, your landlord's section 21 notice must be on special Form 6A headed 'Notice seeking possession of a property let on an Assured Shorthold Tenancy'.

For all other ASTs no special form is needed. Giving you a letter setting out the right amount of notice is acceptable.

When you can be given notice

If your AST started or was renewed on or after 1 October 2015 your landlord must wait at least 4 months from the start of your original tenancy before giving you a section 21 notice. Otherwise your landlord can give you a section 21 notice at any time.

When the notice expires

You do not have to leave when the notice period ends. If you stay after the notice ends your landlord must apply to the court for a possession order. Evicting you without a court order is illegal.

When your landlord can apply to court

After giving you a section 21 notice your landlord can apply to the court for a possession order when:

- any fixed-term agreement you have has ended – unless there is a break clause in your agreement that allows your landlord to do this earlier, and
- the notice period in the section 21 notice has expired.

If your AST started or was renewed on or after 1 October 2015 your landlord must start court action within 6 months of the date you received the section 21 notice. If they leave it any longer your landlord must give you another section 21 notice.

Will the court order possession?

Many landlords apply for a court order to evict tenants without the need for a court hearing. This is called the accelerated possession procedure. See the factsheet '*Section 21: accelerated procedure*' for details.

You will always be sent a defence form by the court. Complete and return this within 14 days of receiving it if you don't think your landlord is entitled to evict you. See the factsheet '*Possession proceedings: going to court*' for more information.

Not all section 21 notices are valid. Sometimes the landlord makes a mistake, and sometimes the law says that the landlord can't use a section 21 notice to end an AST. See the factsheet '*Section 21 notices: restrictions*' for more information on this.

If the court orders possession

If the court makes an order for possession and you do not leave on the date in the order, your landlord must apply again to the court for a warrant for a bailiff to evict you. Get advice if your landlord tries to evict you without using a court bailiff.

Further advice

You can get further advice from Shelter's free* housing advice helpline (0808 800 4444), a local Shelter advice service or Citizens Advice bureau, or by visiting shelter.org.uk/advice or adviceguide.org.uk

*Calls are free from UK landlines and main mobile networks.