

Does your landlord need a court order?

This factsheet looks at whether the landlord can evict you without having to ask the court for permission.

Most people who rent their home have a right to a court order before they are evicted. It means that they don't have to move out until the landlord:

- serves a valid notice
- obtains a court order
- obtains a warrant specifying the eviction date and arranges for a court bailiff or a court enforcement officer to enforce it.

Unfortunately, not everyone in rented accommodation has this level of protection. If you are in one of the categories of 'excluded occupiers' listed below, your landlord can ask you to leave without having to go to court. Your landlord should still give you a correct notice as per your agreement. If you and your landlord have never agreed on the notice period, you should get:

- a notice equal to one rental period if you have a tenancy
- a reasonable notice if you have a licence to occupy.

Your landlord must not use violence to evict you.

Even if you think you don't have the right to a court order, always seek advice before you agree to leave.

Sharing living accommodation with a resident landlord and/or a member of their family

If you share living accommodation, for example kitchen, bathroom or a living room, with your landlord or a member of your resident landlord's family, you can be evicted without a court order.

Your landlord and their family member must have lived in the property as their home when you moved in and when you move out. If this is not the case, or if you only share the entrance, hallway or stairway and your landlord wants you to leave, they must ask the court for a possession order.

Asylum seekers in UKVI accommodation

If you are an asylum seeker and live in accommodation arranged by the Home Office/UK Visas and Immigration (UKVI) while awaiting a decision on your asylum application, you can be evicted without a court order.

Licensees in public sector hostels

If you are staying in a hostel run by the council, a housing association or a charity, you may be evicted without a court order.

Homeless applicants granted licence agreements in emergency accommodation

If you applied as homeless and the council has arranged for somewhere for you to stay until a decision is made on your application, you can usually be evicted without a court order.

Rent-free accommodation

If you don't pay any rent, you have less protection. Contribution towards bills is not classed as rent, however even paying a very low rent would mean the landlord might have to get a court order to evict you. If your home comes with your job, rent might be deducted directly from your wages. Seek advice if you are not sure if you pay rent.

'No right to rent' notice from the Home Office

If the Home Office has served a 'disqualification' notice on the landlord telling that nobody in the property has a right to rent, it reduces your tenancy rights. The landlord can then evict you by giving you a minimum of 28 days' notice in a prescribed form. The landlord has to attach the Home Office's notice which must reference section 33D(2) of the Immigration Act 2014 and list all occupiers. It is not enough for your landlord to simply tell you that you have no right to rent.

Genuine holiday lets

If you are on holiday and staying in a genuine holiday let, you can be evicted without a court order. However, if you live in a B&B as your home, you may have the right to a court order.

Further advice

You can get further advice from [england.shelter.org.uk/housing_advice](https://www.england.shelter.org.uk/housing_advice), 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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