

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 action to repossess your home.

You can lose your home if your landlord has taken out a mortgage on it but hasn't kept up with the payments. This could happen even if you are up to date with your rent.

What the mortgage lender does

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

If the court grants a possession order, the lender will be the new owner of the property. Sometimes they will become your landlord.

Will you get notice of a 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. The lender must do this within five days of when the court tells them about the hearing date. Always open post addressed to 'the occupiers'. Don't assume it's junk mail.

Take 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 (see below)
- ask for your eviction to be delayed if you don't have a binding tenancy.

Lender becomes your landlord

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

- 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.

Lender doesn't become your landlord

If your tenancy isn't classed as a binding tenancy, the mortgage lender won't become your landlord after repossession. After the repossession hearing, the lender can apply to the court for bailiffs to evict you. You can ask the court to delay eviction for up to two months. You can't ask for a delay if you are a lodger.

Check if you have a binding tenancy

If you're not sure when your landlord's mortgage started, ask your landlord to confirm this. Or you can search for this information on the Land Registry website (for a £3 fee). Go to [Gov.uk](https://www.gov.uk) to search.

You can also ask the lender but they usually won't deal with you directly unless you are officially part of the court proceedings.

If you didn't know about the hearing

If the court made a possession order, you should get two letters telling you that the bailiffs may evict you:

- 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.

Stopping the bailiffs

You must act quickly.

If you have a non-binding tenancy, you can apply to the court to delay eviction by bailiffs for up to two months, but only if the court had not 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](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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