

# Does your landlord need a court order to evict you?

**This factsheet advises on when your landlord can evict you without applying to court.**

Most people who rent their home can't be evicted unless their landlord has applied to court first.

Your landlord has to:

- give valid notice
- get a court order
- ask the court for a warrant with an eviction date for a court bailiff to enforce it

Some groups of people called excluded occupiers can be evicted without a court order.

If you fall into one of the following categories of excluded occupier, you can be evicted without a court order.

## Lodgers with a resident landlord

If you're a lodger and share living accommodation with your landlord, you can be evicted without a court order. This includes if you share a kitchen, bathroom or living room but not if you just share an entrance.

You'll only be an excluded occupier if your landlord lived in the property as their home when you moved in and when you're asked to leave.

Your landlord should still give you a correct notice. If you don't have a written agreement you should usually get a notice equivalent to:

- a months' rent if you pay monthly
- a weeks' rent if you pay weekly

## Asylum seekers accommodation

If you're an asylum seeker and live in accommodation arranged by the Home Office while awaiting a decision on your asylum application, you can be evicted without a court order.

## People in public sector hostels

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

## Emergency homeless accommodation

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

## Rent free accommodation

If you don't pay any rent you can be evicted without a court order. Paying something towards bills is not classed as rent. If your home comes with your job, rent might be deducted directly from your wages. Get advice if you're not sure if you pay rent.

## 'No right to rent' notice from the Home Office

If the Home Office has served a notice on your landlord that nobody in the property has a right to rent, your landlord can evict you after giving you 28 days' notice in a prescribed form. The landlord has to attach the Home Office's notice which must state section 33D(2) of the Immigration Act 2014 and list all occupiers.

## Holiday lets

If you're on holiday and staying in a holiday property you can be evicted without a court order. If you live in a private 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://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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