

Section 21 notice of seeking possession

A guide for private landlords

If you have a tenant who has an Assured Shorthold tenancy agreement and you want possession of the property but the tenants have not breached the tenancy in any way you can still serve a Section 21 notice to bring the tenancy to an end.

You can use a Section 21 notice if your tenants have either:

- a written agreement with a fixed term that's ended
- an oral or written 'periodic' agreement (for example, month-by-month) with no fixed end date

If the tenancy started after April 2007, you can only use a Section 21 notice if you put the tenants' deposit in a [deposit protection scheme](#).

Giving tenants a Section 21 notice

A Section 21 notice must give your tenants at least 2 months' notice to leave your property.

You can create a notice to give to your tenants by:

- filling in [form 6a](#) if the tenancy started on or after 1 October 2015
- writing your own notice if the tenancy started before 1 October 2015 - explain that you're giving notice under Section 21 of the Housing Act 1988

You can get legal advice on creating a notice and giving it to your tenants. [Find a solicitor](#).

When you must give more than 2 months' notice

Fixed-term tenants can't be evicted until their tenancy ends. If the fixed term has expired the notice must end on the last day of the rental period.

So you'll need to give more than 2 months' notice if the rental period was more than 2 months (for example, it was paid quarterly).

After you give notice

Keep proof that you gave notice to your tenants - either:

- fill in the [certification of service form \(N215\)](#)
- write "served by [your name] on [the date]" on the notice

If your tenants don't leave by the specified date, you can use your completed N215 or notice to [apply for an accelerated possession order](#).

Accelerated possession orders

You can [use the accelerated possession service](#) if your tenants have not left by the date specified in your [Section 21 notice](#) and you're not claiming rent arrears.

This document was last amended on 31 May 2017 and was considered accurate at that time.

Changes to legislation which occurred after this date will not be reflected in the content.

This document should not be considered comprehensive, nor should it take the place of legal advice where this is required.

This is sometimes quicker than applying for a standard possession order and there's usually no court hearing. This service costs £355.

Fixed-term tenants can't be evicted until their tenancy ends.

If you want to claim rent arrears you can use the [standard possession procedure](#). Or you can use the accelerated procedure to get your property back and then make a separate court claim for the rent arrears.

When you apply

When you apply to the court for accelerated possession, the court will send your tenants a copy of the application.

Your tenants have 14 days to challenge the application, from the date they receive it.

A judge will decide either to:

- issue a possession order that states your tenants must leave the property (this is normally the case)
- have a court hearing (this usually only happens if the paperwork isn't in order or your tenants raise an important issue)

Even if there's a hearing, the court can still decide to issue a possession order.

If your tenants are in an exceptionally difficult situation the judge may give them up to 6 weeks.

Harassment and illegal evictions

It's a crime to harass or try to force your tenants out of a property without following correct procedures. Your tenants might have the right to claim damages through the court if you don't follow the rules.

What is harassment?

Harassment can be anything you do or don't do that makes your tenants feel unsafe in your property or forces them to leave.

Harassment can include:

- stopping services, like electricity
- withholding keys, for example if there are 2 tenants in a property but you'll only give one key
- refusing to carry out repairs
- anti-social behaviour by someone on your behalf, for example your friend moves in next door to your tenants and causes problems
- threats and physical violence

Illegal eviction

You may be guilty of illegal eviction if you:

- don't give your tenants the right amount of notice to leave your property
- change the locks
- evict your tenants without a court order

This document was last amended on 31 May 2017 and was considered accurate at that time.

Changes to legislation which occurred after this date will not be reflected in the content.

This document should not be considered comprehensive, nor should it take the place of legal advice where this is required.