

## Section 8 notice of seeking possession

### A guide for private landlords

If your tenants are in breach of the tenancy agreement, for example they are in arrears, causing a nuisance to neighbours or are causing excessive damage to the property, you can serve a notice to end the tenancy. This type of notice is called Section 8 and is based on the tenant's breach of the tenancy terms.

To give your tenants notice using a Section 8, you must fill in a ['Notice seeking possession of a property let on an assured tenancy or an assured agricultural occupancy'](#).

You can give between 2 weeks' and 2 months' notice depending on which terms of the tenancy they've broken and how frequently the rent is due.

If your tenants don't leave by the specified date you can [apply to the court for a possession order](#)

You can get legal advice on how to fill in a Section 8 with the correct notice periods and how to give it to your tenants. [Find a solicitor.](#)

### Standard possession orders

You can [use the possession claim online service](#) if you're in England or Wales and you want to get your property back because your tenants owe you rent.

The service lets you fill in court forms online and see how the claim is progressing. It costs £325.

You can apply to the court to evict your tenants if they've broken the tenancy agreement but they don't owe you rent, for example through forfeiture, demoted tenancy or trespassing.

Make a [possession claim using the online service](#).

### When you can't use the online service

You won't be able to use the online service for some kinds of standard possession claim, for example where there's been trespass on your property, or you're making a forfeiture claim because tenants have broken the terms of the lease.

This document was last amended on 31 May 2017 and was considered accurate at that time. Changes to legislation or court fees 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.

Fill in the paper [standard possession claim form](#) and post it to your [local court that deals with housing possession](#).

It costs £355 to apply. Send a cheque made payable to 'HM Courts and Tribunals Service' to the court with your completed form.

## **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

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