

Advice Portsmouth

Section 21 Notice of Seeking Possession Factsheet

Most tenants are offered an Assured Shorthold Tenancy Agreement. This can be for a Fixed Term, usually of 6 or 12 months. If the agreement date ends and it is not renewed for another fixed term, then the tenancy becomes Periodic. It is still an Assured Shorthold Tenancy Agreement.

Landlords Ending a Tenancy

If a landlord wishes to end an Assured Shorthold Tenancy, when their tenant is not at fault, they will issue a Section 21 Notice. The notice period must be a minimum of two months and the notice itself must be Valid. If the notice period given to the tenant is more than two months then the notice does not need to end on a particular date.

Checking the Validity of s21 Notices

Once a s21 Notice has been received it needs to be checked for Validity. The notice:

- must to be in writing and served within the correct time limit
- with a few exceptions, the notice must be in a prescribed format
- the landlord must have complied with tenancy deposit regulations
- the property must be licenced (if a licence is required)
- the landlord must not have breached the Tenant Fees Act
- the landlord must have provided an Energy Performance and a Gas Safety certificate
- the landlord must have provided the tenant with a How to Rent guide, in the prescribed format, prior to letting their property

A s21 Notice may be invalid if there is sufficient evidence that the landlord is seeking Retaliatory Eviction as a result of their tenant reporting disrepair.

A s21 Notice cannot be served within 4 months of the start of the initial tenancy agreement, and will last a full 6 months from the date it is issued.

An extended notice period has been put in place by the government to protect tenants during Covid19. With certain exceptions, the s21 notice period has been extended from two to six months.

A landlord does not need to provide a reason for taking possession of a property let on an Assured Shorthold Tenancy. There does not need to have been any fault on the part of the tenant for a s21 Notice to be issued. Provided the notice is valid, then possession will be awarded to the landlord by the court.

Possession

The tenant will receive a Possession order from the court telling them to vacate the landlord's property by a given date. Should the tenant fail to comply with the order then the landlord can return to the court to obtain an Eviction order, followed by a Warrant to Evict them legally using Bailiffs.

For further information about s21 Notices or changes during Covid19 please contact Advice Portsmouth on 023 9279 4340 or email us at advice.portsmouth@theyoutrust.org.uk.