

“I’ve been served with a notice to leave my home by my Landlord”

If your Landlord has given you a notice and asked you to leave the property, they have most likely served you with either a Section 21 notice or a Section 8 notice.

Section 21 – a formal notice issued by your landlord for you to leave the property. It is considered a mandatory possession.

Section 8 – a formal notice issued by your landlord for you to leave the property due to a breach of the tenancy.

There are three legal steps to an eviction process.

Section 21 eviction process

Step 1- For a Section 21 notice to be valid:

- It must be provided in a written format by your landlord
- It must give you two months notice
- You must have an assured shorthold tenancy
- It must expire at the end of or after your fixed-term tenancy

Step 2 - Possession order:

- After the two months notice has ended and you have not left the property, your landlord must apply to court and obtain a possession order which will give you a scheduled date to leave.
- The court will send defence papers to you. You have 14 days to complete and return them to court. This is your only opportunity to inform the court of incorrect notices / non-protection of tenancies etc.

Step 3 - Notice of Eviction

- When the date to leave on the possession order expires, your landlord must go back to the court and apply for notice of eviction which gives a date for bailiffs to remove you from the property. You will be informed of the bailiff warrant in advance by the courts to give you time to pack your belongings.

If you are struggling to find yourself alternative accommodation, you may want to exercise your tenant rights to stay until the final stage of the notice of eviction. This will give you valuable time to secure new accommodation and avoid becoming homeless.

Section 21 - what next?

- As soon as you receive a Section 21 notice, you should start your search to find alternative accommodation – do not ignore or avoid this situation. The more time you give yourself, the easier the process will be.
- Contact your landlord to find out the reason behind the notice and see if you can resolve the issue in order to withdraw the notice. If this is not applicable, ask your landlord to delay the eviction process to allow you more time to find alternative accommodation.
- If your landlord continues with the eviction process, you will be given an opportunity to present your defence to the court where the Judge will make a decision on your situation. You will be sent defence papers in advance of the court hearing that you must return within 14 days. Use this opportunity to inform the court if the notice was served incorrectly or if the deposit was incorrectly protected at start of the tenancy. Where appropriate, the Council's Housing Options Team can give you advice on defence issues.
- Where appropriate, the Council can speak with your landlord on your behalf to negotiate your tenancy sustainment by stopping the eviction or request a delay to the eviction process.
- Where appropriate, the Council may provide you with advice and/or assistance regarding your housing situation by explaining your rights and the most suitable tools to assist you in finding your own accommodation.
- Where appropriate, the Council can try to prevent your homelessness by analysing your income and expenditure in order to help you seek affordable accommodation or keep you in your current accommodation.
- If you have been served notice due to rent arrears, we will need to know the reasons behind it and will need to be provided with recent bank statements and other financial documents to conclude whether or not the eviction was because of a 'deliberate act' on your part.

Section 8 eviction process

Step 1- For a Section 8 notice to be valid:

- It must be a written notice and state the time after which the landlord can apply to the court for a possession order.
- You must have an assured tenancy
- It must state the reason (grounds) the landlord is seeking possession
- The Notice remains valid for one year

Step 2 - Possession order

- After the notice has expired your landlord can apply to court for a possession order. The notice period may vary from: immediate, 14 days or 2 months. The period depends on the ground being used for eviction and whether you have a fixed term tenancy or not.
- The court will send you documents telling you about your landlord's eviction claim. You can fill in these documents and put in a defence which will help the court reach a decision. You can also go to the court hearing. If you miss the deadline to send in your defence; it is not too late as you can attend the court hearing to file a defence. There may be a duty solicitor or a CAB advisor available to help you.
- If mandatory grounds are proven to the court, the court has to make a possession order. If discretionary grounds are used, it is up to the court to decide if a possession order is reasonable.
- A possession order can be an outright order, a suspended order or be a money judgement.

Step 3 - Eviction

- An outright order means you must leave the property by the date given on the order. This is usually 14 days after the court order. If you have not left by this date your landlord can apply to court for bailiffs to evict you.
- A suspended or postponed order means you can stay if you meet the conditions explained in the order. If you breach the conditions your landlord can apply to court for bailiffs to evict you.

Section 8 - what next?

- As soon as you receive a section 8 notice you should contact your landlord to discuss the situation and see if you can resolve the issue or reach an

agreement which means the landlord will not take further action. For example agree a reasonable rent arrears repayment plan.

- The reasons (grounds) that landlords can use to evict you are either mandatory or discretionary grounds.
- If your landlord is using mandatory grounds, the courts will have to make a possession order if satisfied the ground exists. Examples are: more than 8 weeks arrears, anti-social behaviour if a conviction for anti-social behaviour exists. It is important that you contact your landlord immediately to discuss the situation if you can avoid eviction.
- Examples of discretionary grounds include: rent arrears, persistent late rent payment, tenancy breaches, anti-social behaviour, property damage etc. A court will only order possession on discretionary grounds where the ground is proven and is reasonable to do so.
- Where appropriate, the Council can try to prevent your homelessness by analysing your income and expenditure or keep you in your current accommodation.
- If you have been served notice due to rent arrears, the Council will need to know the reasons behind it and will need to be provided with recent bank statements and other financial documents to conclude whether or not the eviction was because of a 'deliberate act' on your part.

Useful contacts

Citizens Advice Bureau	03444 111 444 www.citizensadvice.org.uk
Shelter	0808 800 4444 www.shelter.org.uk
Government website	www.gov.uk (General) (See also - https://www.gov.uk/evicting-tenants/overview)

Please remember: You are expected to be responsible for actively searching for your own housing solution.