

EVICTING TENANTS:

SECTION 21 NOTICES

THE CORRECT PROCEDURE

As a buy-to-let landlord, there is always a chance that you will have to go through the unsavoury process of evicting a tenant. With this in mind, it is very important that you understand your legal rights and responsibilities surrounding the eviction process.

The type of notice that you are permitted to serve on your tenant will vary, depending on the type of tenancy agreement that you have. More commonly, you will be dealing with private tenants on Assured Shorthold Tenancies (ASTs).

For these types of agreements, the typical form to serve is a Section 21 notice.

WHAT IS A SECTION 21?

A Section 21 notice is used when a landlord requires a tenant to leave their rented property by a certain date. It is part of the Housing Act 1988, as amended by the Housing Act 1996.

WHEN CAN I USE A SECTION 21?

You can use a Section 21 notice if your tenant has an AST and you have placed any deposit received in one of the three Government-approved protection schemes. These are:

- **Tenancy Deposit Scheme (TDS)**
- **MyDeposits**
- **Deposit Protection Service (DPS)**

There are two types of AST:

- **Periodic tenancies - run on a weekly or monthly basis with no fixed end date**
- **Fixed-term tenancies - agreements running for a set amount of time**



WHEN CAN I SERVE A SECTION 21?

A Section 21 notice must give your tenants at least two months' notice to leave the property. This must be delivered in writing.

If the agreement started before 01.10.15, you can legally serve a Section 21 at any period during the tenancy. This notice, however, must expire on or after the conclusion of the fixed term.

For all tenancies starting after 01.10.15, you must wait for four months until you can legally serve a Section 21 notice. Should your tenant sign a new contract to renew their tenancy, you are able to serve a Section 21 at any time.

WHAT IF MY TENANT DOESN'T LEAVE?

Should your tenant refuse to leave your property after the two-month notice period, you can apply to the court for a possession order. If you have followed the right processes, this usually takes between four to six months.

When the court rules that you have grounds for possession, it will give you a date that the tenant must vacate your property by. If by this date the tenant still remains, you can ask for a bailiff to evict them.



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