

Section 21 notices: process

This factsheet looks at how your private landlord can end your assured shorthold tenancy using the 'no fault' route in section 21 of the Housing Act 1988.

Your landlord does not need a reason to end your assured shorthold tenancy (AST) but must follow the correct process. The first step is to give you a section 21 notice.

If you are a joint tenant your landlord can give the notice to any of the joint tenants.

How much notice you must be given

A section 21 notice must give you at least 2 months' notice. If your rent is due quarterly or every 6 months, you're entitled to 3 or 6 months' notice.

What does the notice look like?

A section 21 notice must be on **Form 6A**.

A notice that contains everything that is on Form 6A is also OK.

When can your landlord give you notice?

Your landlord can't give you a section 21 notice in the first 4 months of your tenancy. The 4 months is counted from the start of your original AST if your landlord has given you a new tenancy, or if you stayed on after a fixed term ended.

Expiry of the notice

If you have a fixed-term tenancy, a section 21 notice which expires before that fixed term ends is probably not valid.

What happens after the notice expires

You do not have to leave when the notice period ends. If you don't leave, your landlord must apply to the court for a *possession order*. Your landlord cannot lawfully evict you without getting a possession order.

When your landlord can apply to court

After giving you a section 21 notice your landlord can apply to the court for a possession order when:

- the notice period in the section 21 has expired (after at least 2 months), and
- any fixed-term agreement you have has ended – unless there is a break clause in your agreement that allows your landlord to do this earlier.

Your landlord must start court action within 6 months of the date you received the section 21 notice.

What will the court do?

The court will send you a defence form. Complete and return it within 14 days of receiving it if you don't think your landlord is entitled to evict you. See '*Possession proceedings: going to court*'.

If your landlord's section 21 is not valid the court cannot give your landlord possession. A section 21 might not be valid because:

- the landlord makes a mistake
- there is a reason why the landlord can't use a section 21 at this time. See '*Section 21 notices: restrictions*' for details.

If the court orders possession

If the court makes an order for possession and you do not leave on the date in the order, your landlord must apply to the court for a warrant for a bailiff to evict you.

It's unlawful to evict you without getting a bailiff's warrant. Get advice if your landlord tries to illegally evict you.

How long can it all take?

It can take 6 months or more to evict you. It might be less. The approximate timings are:

- the 2 months in your landlord's section 21 notice
- 2 more months for your landlord to apply to court and for the court to make an order
- another 4 to 8 weeks before the bailiffs evict you.

Tenancy started before 1 October 2015

If your tenancy began before 1 October 2015 and you have not signed up to a new tenancy with your landlord since, your landlord might not have to use Form 6A, and different rules from those on this factsheet might apply.

Further advice

You can get further advice from Shelter's free* housing advice helpline (0808 800 4444), a local Shelter advice service or local Citizens Advice office, or by visiting england.shelter.org.uk/housing_advice

*Calls are free from UK landlines and main mobile networks.



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