

Served with a 'Section 21' Notice

This information sheet is for private sector tenants, whose landlord has served them with notice to leave.

If you have an Assured Shorthold Tenancy (AST), your landlord does not have to give a reason for ending your tenancy. However, if you have not been given the correct information at the start of the tenancy, or if your landlord is not following the correct procedure to end the tenancy, there may be a delay before you need to move. This could buy you important time to find somewhere else to live.

This information sheet tells you what to look out for, and what to expect. It is only a guide – it is important to seek further help from your local housing authority (see overleaf). Make sure you have a copy of your tenancy agreement(s) and the S21 notice and know exactly when the tenancy first started (or when it was renewed with a fresh agreement).

When can a notice be served?

If you have a new tenancy, the landlord must wait until 4 months after the tenancy start date before serving a notice asking you to leave. Any notice served before then will be invalid.

What does the notice look like?

All Section 21 notices must be in writing and give at least two months' notice to leave. Your contract may specify that a longer notice period should be given (in which case, the notice period must comply with the contract).

If your tenancy started after 1st October 2015, the S21 notice must be in a 'prescribed format', exactly the same wording as the one you can see online here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/515658/Form_6A_INTERACTIVE_FINAL_Possession_property.pdf.

Have you paid a deposit?

In most cases, if your landlord charged a 'breakages' deposit (not just rent in advance), he/she should have protected your deposit by lodging it in one of three approved schemes in the first month of the tenancy. If this was not done properly, your landlord cannot issue a valid notice until your deposit is returned to you in full. If he/she doesn't repay the deposit and continues to court, you could mount a defence that could mean you can stay in the property and get some compensation (up to three times your deposit amount).

Have you been given all the information you should have been given?

In most cases, your landlord is required to provide you with certain essential information, including;

- A gas safety certificate (if you have a gas supply to your home),
- An energy performance certificate, if it is required,
- A booklet called 'How to rent' (the version which was current at the time your tenancy started or was renewed).

If you have been served with a S21 notice and want to seek help from your council, you should get all of the information you were given together, including that listed above (if you were given it).

Have you complained about the condition of the property?

The landlord should not attempt to evict you in retaliation for making a formal complaint about poor conditions. If you have successfully complained to the local council because your landlord has not remedied a defect to your home, in certain circumstances you cannot be served with a valid notice for up to 6 months afterwards. An exception would be if the landlord genuinely wants to sell up, or if the property is being repossessed.

How long is the notice valid for?

If it is valid when it is served, your notice will only be valid for 6 months (if you have a 6 or 12 month fixed term tenancy). The landlord cannot ask the court to give him/her possession of the property if the validity period has expired – he/she must issue a fresh notice. If you used to have a fixed term tenancy, the term ended, but you have stayed on as a 'statutory periodic tenant' (from month to month), the notice validity period will only last for 4 months.

Getting help from the local council

If you have been served with a notice, and it will expire within 56 days, it is important that you seek the help of your local council. The council may be able to negotiate with your landlord, to allow extra time for you to find somewhere else to live. If your notice is valid, your landlord is required to go to court for a 'Possession Order' before you have to leave. However, if you have a valid notice which expires within 56 days, your council will consider that you are threatened with homelessness. If you are an eligible person, you will be entitled to help and support to enable you to either remain in your home or find somewhere else to live. The council will work with you to develop a 'Personalised Housing Plan', outlining the steps that you and the council must take, so that this can happen.

If your landlord does proceed to court, the council can ensure that you are treated fairly, and in exceptional circumstances, may be able to argue for your eviction to be delayed. If you are made homeless, and are in a priority need group, you may be given temporary accommodation while the problem is resolved.

Contacting your local Council

Ashford: <https://www.ashford.gov.uk>
Canterbury: <https://www.canterbury.gov.uk>
Dartford: <https://www.dartford.gov.uk>
Dover: <https://www.dover.gov.uk>
Gravesham: <http://www.gravesham.gov.uk>
Maidstone: <https://self.maidstone.gov.uk>
Medway: <https://www.medway.gov.uk>
Sevenoaks: <https://www.sevenoaks.gov.uk>
Folkestone & Hythe: <https://www.shepway.gov.uk>
Swale: <https://www.swale.gov.uk>
Thanet: <https://www.thanet.gov.uk>
Tunbridge Wells: <http://www.tunbridgewells.gov.uk>
Tonbridge & Malling: <https://www.tmbc.gov.uk>