

Guidance on obtaining possession of assured shorthold tenancies: Section 21

held on assured or assured shorthold tenancies

Different types of tenancy – how to obtain possession

Landlords cannot evict residential tenants without a court order for possession. Prior to applying to court, a Landlord must advise the Tenant that the Landlord's intention is to end the tenancy. The procedure is different according to the type of tenancy.

If a Landlord has already obtained a court order for possession, the Landlord must serve a notice on the Tenant to end the tenancy. The procedure is different according to the type of tenancy.

1. Assured shorthold tenancy (AST)

Fixed term tenancy

- 1.1 If the Tenant has already obtained a court order for possession, the Landlord can use the "accelerated" procedure for possession. This is the simplest way of obtaining possession as the Landlord does not need to show any fault on the part of the Tenant. Notices requiring the Tenant to leave are discussed below.

If a Landlord has not yet obtained a court order for possession, the Landlord can use the "accelerated" procedure for possession of the Housing Act 1988. This is the simplest way of obtaining possession because the Landlord does not need to show any fault on the part of the Tenant or give any other reason for possession. Notices requiring the Tenant to leave are discussed below.

2. Assured shorthold tenancy (AST)

Fixed term tenancy

- 2.1 If the Tenant has already obtained a court order for possession, the Landlord must apply to court for possession. The grounds set out in Schedule 2 to the Housing Act 1988, under the heading "The grounds for possession of assured shorthold tenancies" apply.

If a Landlord has not yet obtained a court order for possession, the Landlord must apply to court for possession. The grounds set out in Schedule 2 to the Housing Act 1988, under the heading "The grounds for possession of assured shorthold tenancies" apply.

- 2.2 The Landlord's ability to obtain possession during the fixed term is limited because the Landlord must rely on grounds 2, 7 (in England only), 7A, 7B, 8, 10 to 15 (including 10A) of the Housing Act 1988. Only if the Landlord has reserved a right in the tenancy agreement to terminate the tenancy on that particular ground. Certain grounds require a Section 8 Notice to have been served on the Tenant before the application to court.

If a Landlord has not yet obtained a court order for possession, the Landlord must apply to court for possession. The grounds set out in Schedule 2 to the Housing Act 1988, under the heading "The grounds for possession of assured shorthold tenancies" apply.

- 2.3 Before the Landlord can apply to court for possession, a Section 8 Notice must be served on the Tenant under section 8 of the Housing Act 1988. Notices are discussed below.

If a Landlord has not yet obtained a court order for possession, the Landlord must apply to court for possession. The grounds set out in Schedule 2 to the Housing Act 1988, under the heading "The grounds for possession of assured shorthold tenancies" apply.

3. Assured tenancy (non-shorthold)

Fixed term

- 3.1 The accelerated procedure for possession is not available to Landlords of assured tenancies. Once an assured tenancy has become periodic the Landlord can use the grounds set out in Schedule 2 to the Housing Act 1988, under the heading "The grounds for possession of assured tenancies" in relation to termination of the tenancy.

If a Landlord has not yet obtained a court order for possession, the Landlord must apply to court for possession. The grounds set out in Schedule 2 to the Housing Act 1988, under the heading "The grounds for possession of assured tenancies" apply.

4. Assured tenancy (non-shorthold)

Fixed term

- 4.1 During the fixed term of an assured tenancy, the Landlord's ability to obtain possession is limited because the Landlord must rely on grounds 2, 7 (in England only), 7A, 7B, 8, 10 to 15 (including 10A) of the Housing Act 1988. Only if the Landlord has reserved a right in the tenancy agreement to terminate the tenancy on that particular ground. Certain grounds require a Section 8 Notice to have been served on the Tenant before the application to court.

If a Landlord has not yet obtained a court order for possession, the Landlord must apply to court for possession. The grounds set out in Schedule 2 to the Housing Act 1988, under the heading "The grounds for possession of assured tenancies" apply.

Section 21 Notices

A Landlord wishing to use the accelerated procedure for possession should serve a **Section 21 Notice Seeking Possession** (either the fixed term or periodic version as appropriate) on the Tenant.

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	by a minister of religion		months	months
6	The Landlord intends to redevelop the property	2	At least 2 months	At least 6 months
7	The former Tenant (unless there is a personal right to succeed).	2	At least 2 months	At least 6 months
7A	Criminal offence committed affecting the property.	1	At least 1 month	At least 1 month
7B	Immigration status (England only).	2	At least 2 weeks	N/A
8	Serious rent arrears after service of notice and possession proceedings.	2	At least 2 weeks	At least 6 months
9	Suitable accommodation is available elsewhere.	2	At least 2 months	At least 6 months
10	Rent arrears. There are arrears both when the Notice is served and when the Landlord issues proceedings.	2	At least 2 weeks	At least 6 months
11	Persistent delay in paying rent.	2	At least 2 weeks	At least 6 months
12	Breach of an obligation under the tenancy agreement.	2	At least 2 weeks	At least 6 months
13	The condition of the property or any of the common parts has deteriorated because of the behaviour of the Tenant or anyone living there.	2	At least 2 weeks	At least 6 months
14	Nuisance, annoyance or harassment activity.	immediately after serving Section 8 Notice	Immediately after serving Section 8 Notice	Immediately after serving Section 8 Notice
14ZA	Criminal offence committed by a tenant or tenant in receipt (England only).	2	At least 2 weeks	N/A
14A	Domestic violence.	2	At least 2 weeks	At least 2 weeks
15	The condition of the property has deteriorated because of the treatment by the Tenant or anyone living there.	2	At least 2 weeks	At least 6 months

16	Recovery from employee.
17	The Landlord was in grant the tenancy by statement.

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2	At least 2 months	2	At least 6 months
2	At least 2 weeks	2	At least 6 months

Possession proceedings

If the Tenant has not left the premises by the date given in the Section 8 Notice, the Landlord may have no option but to start court proceedings using the Accelerated Procedure (for Section 8 cases) to obtain Possession.

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arrears or remedied the relevant breach, the Landlord may have no option but to start court proceedings using the Standard Procedure (for Section 8 cases) to obtain Possession.

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