



1. **Different types of tenancy to terminate**
 Landlords can only evict tenants unless they have obtained a court order for possession. In most cases, a landlord must serve a notice on the tenant advising that they require possession, bringing the tenancy to an end. The procedure is different according to the type of tenancy.

1.1 Assured shorthold tenancies where the fixed term expired or nearly expired
 For assured shorthold tenancies, and the fixed term has expired or will expire shortly, a landlord can use the “accelerated” procedure for possession under Section 21 of the Housing Act 1988. This is the simplest way of obtaining possession. A landlord does not need to show any fault on the part of the tenant as a reason for requiring a tenant to vacate. The Section 21 Notice procedure is detailed below.

1.2 Assured shorthold tenancies during the fixed term
 If the accelerated procedure is used during the fixed term, the accelerated s21 procedure cannot be used. See **Guidance Note: Obtaining Possession of a Property Held on Assured or Assured Shorthold Tenancies - S8 Notices**

1.3 Assured shorthold tenancies (not a shorthold) after and during the fixed term
 The accelerated procedure is not available in these circumstances and Section 8 Notices must be used. See **Guidance Note: Obtaining Possession of a Property Held on Assured or Assured Shorthold Tenancies - S8 Notices**

2. **Section 21 Notices**
 2.1 A landlord must use the accelerated possession procedure should serve a Section 21 Notice on the tenant.

2.2 The court will grant a possession order as long as the landlord has given the tenant notice that they require possession. Most cases do not go to court and the tenant will vacate the property at the end of the notice period.

2.3 A Section 21 Notice must be served in the prescribed form (Form 6A) and can be sent to the tenant by hand or by post with the **Section 21 Covering Letter**.

2.4 Landlords must ensure that a Section 21 Notice will not be valid if:
 a) The landlord has failed to protect the tenant’s tenancy deposit in an authorised tenancy deposit protection scheme within 30 days of receipt; or
 b) The landlord has not provided the tenant with the prescribed information has not been provided to the tenant within 30 days of receipt of the deposit. The landlord will not be able to serve a Section 21 Notice until the deposit is returned (if it was not returned to the landlord in accordance with the tenancy deposit protection legislation) or the prescribed information has been served.

- b) have obtained an HMO (house in multiple occupancy) licence for the property and has failed to do so
- c) less than four months before the date of the Notice
- d) provide the tenant with a valid energy performance certificate
- e) to provide the tenant with the most recent version of the “How to rent: the checklist for renting in England” published by the Ministry of Housing, Communities and Local Government on the date the tenancy was granted, renewed or extended;
- f) issued a notice or an emergency remedial action notice in respect of the property under the Housing Health and Safety Rating System issued by the local authority within the last six months;
- g) not repaid any unlawfully charged fees or returned an advance payment or holding deposit as required by the Tenant Fees Act 2019.

3. **Possession**

- 3.1 If the tenant does not vacate the property by the date given in the Section 21 Notice, the landlord may apply to the court for possession. Please refer to the **Notes: Obtaining Possession of Residential Property – Standard Procedure.**