

Guidance

Gaining possession of a privately rented property let on an assured shorthold tenancy

Guidance for landlords who wish to gain possession of their property.

From:

[Department for Levelling Up, Housing and Communities](#)

[\(/government/organisations/department-for-levelling-up-housing-and-communities\)](#) and

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Introduction

This guidance has been prepared for landlords who wish to gain possession of a privately rented property let on an assured shorthold tenancy.

You are likely to be letting on an assured shorthold tenancy if:

- you are a private landlord
- the tenancy began on or after 28 February 1997
- the house or flat is let as separate accommodation and is the tenant's main home

How do I get my property back?

There are 2 main routes private landlords can take to regain possession of their property under the [Housing Act 1988 \(http://www.legislation.gov.uk/ukpga/1988/50/contents\)](http://www.legislation.gov.uk/ukpga/1988/50/contents):

- Section 21 gives a landlord an automatic right of possession without having to give any grounds (reasons) once the fixed term has expired
- Section 8 allows a landlord to seek possession using grounds 2, 8, 10 to 15 or 17 listed in Schedule 2 to the Act

These include rent arrears and anti-social behaviour.

In all cases you must give your tenant written notice, usually at least 2 months, of your intention to regain possession.

Which route should I use?

You cannot use Section 21 to gain possession of your property during the fixed term. You can serve a Section 21 notice on your tenant during that time, providing the date you state you require possession is not before the end of the fixed term.

If your tenant paid a deposit, you cannot use Section 21 unless the deposit has been protected in accordance with the tenancy deposit schemes. See the guide to [tenancy deposit protection \(https://www.gov.uk/tenancy-deposit-protection/overview\)](https://www.gov.uk/tenancy-deposit-protection/overview).

You can seek possession at any time under Section 8 but if you are seeking possession during the fixed term, you can only use Section 8 if the tenancy makes provision for the tenancy to be ended on the ground for which you are seeking possession.

Seeking possession under Section 8

How much notice must I give my tenant?

The notice you must give if you are using Section 8 varies from 2 weeks to 2 months depending on the ground you are using.

Do I need to use a special form to give notice to my tenant?

If you are using Section 8 the notice you give must be on a special form entitled [Form 3: Notice seeking possession of a property let on an assured tenancy or an assured agricultural occupancy \(https://www.gov.uk/guidance/assured-tenancy-forms#form-3\)](https://www.gov.uk/guidance/assured-tenancy-forms#form-3).

What do I do if my tenant refuses to leave on the date specified in the notice?

You will need to apply to the courts for a 'possession order'.

How can I speed up the process?

You can use the [possession claim online service \(https://www.possessionclaim.gov.uk/pcol/\)](https://www.possessionclaim.gov.uk/pcol/) if you are seeking possession of the property together with any rent arrears. The service allows you to access court forms online to make, issue, view and progress a possession claim electronically.

What do I do if my tenant refuses to leave by the date given in the court order?

You must apply to the courts for a warrant of possession and the court will arrange for a bailiff to evict the tenant. You will need to use the [Request for warrant of possession of land \(N325\) form \(https://www.gov.uk/government/publications/form-n325-request-for-warrant-for-possession-of-land\)](https://www.gov.uk/government/publications/form-n325-request-for-warrant-for-possession-of-land).

Seeking possession under Section 21

How much notice must I give my tenant?

You must give at least 2 months' notice in writing if you are using Section 21.

Do I need to use a special form to give notice to my tenant?

Yes, if the tenancy was created after 1 October 2015 you have to use a special form entitled [Form 6a: Notice seeking possession of a property let on an assured shorthold tenancy \(https://www.gov.uk/guidance/assured-tenancy-forms#form-6a\)](https://www.gov.uk/guidance/assured-tenancy-forms#form-6a).

If the tenancy was created before 1 October 2015 you do not need to use a special form but you must give at least 2 months' notice in writing.

If the fixed term has expired the notice must end on the last day of the rental period and you must explain that you are giving notice by virtue of Section 21 of the Housing Act 1988.

You will need to give more than 2 months' notice if the fixed term has expired and the gap between the dates that the rent falls due is more than 2 months (eg a quarterly rent).

You can get legal advice on how to fill in a Section 21 with the correct notice periods and how to give these documents to your tenants.

[Find a legal adviser. \(https://www.gov.uk/find-a-legal-adviser\)](https://www.gov.uk/find-a-legal-adviser)

What do I do if my tenant refuses to leave on the date specified in the notice?

You will need to apply to the courts for a 'possession order'.

How can I speed up the process?

Where possession is sought under Section 21, an accelerated procedure can be used which is a straightforward and inexpensive procedure for getting possession of your property without a court hearing.

In most cases using this procedure the court will make its decision on the papers, and can order possession to be given up within 14 days unless exceptional hardship would be caused, in which case the maximum time that can be allowed is 42 days.

You can only use this procedure if you have a written tenancy agreement and you have given the tenant the required notice in writing that you are seeking possession. You cannot use this procedure if you are also claiming rent arrears.

You will need to use the [Claim for possession of property \(accelerated possession procedure\) \(N5B\) form](https://www.gov.uk/government/publications/form-n5b-england-claim-form-for-possession-of-a-property-located-wholly-in-england-accelerated-procedure) (<https://www.gov.uk/government/publications/form-n5b-england-claim-form-for-possession-of-a-property-located-wholly-in-england-accelerated-procedure>).

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