

## 1. Different types of Assured Shorthold Tenancy to terminate

Landlords can only obtain possession of an Assured Shorthold Tenancy unless they have obtained a court order for possession. To obtain possession, a landlord must serve a notice on the tenant advising that they require possession and bringing the tenancy to an end. The procedure is different according to the type of Assured Shorthold Tenancy.

### 1.1 Assured Shorthold Tenancy with a fixed term expired or nearly expired

For an Assured Shorthold Tenancy with a fixed term, and the fixed term has expired or will expire within the next 28 days, the landlord can use the “accelerated” procedure for possession under Section 21(1)(a) of the Housing Act 1988. This is the simplest way of obtaining possession. The 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 is set out below.

### 1.2 Assured Shorthold Tenancy during the fixed term

If the landlord wants to obtain possession during the fixed term, the accelerated s21 procedure cannot be used. The landlord must use the standard procedure: Obtaining Possession of a Property Held on an Assured Shorthold Tenancy - S8 Notices

### 1.3 Assured Shorthold Tenancy (rolling contract) 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 an Assured Shorthold Tenancy - S8 Notices

## 2. Section 21 Notice

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. The tenant will vacate the property at the end of the notice period.

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

2.4 Landlord's Section 21 Notice will not be valid if:

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

b) The landlord is a landlord in multiple occupation and has failed to obtain an HMO (house in multiple occupation) licence for the property and has failed to do so;

c) The landlord has served the notice 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) to provide the tenant with a copy of any notice of a repair or an emergency remedial action notice in writing issued by the local authority under the Housing Health and Safety Rating System within the last six months;
- g) to refund any unlawfully charged fees or returned an unlawful 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** for more information on the court procedure.