

Ending an Assured Shorthold Tenancy

If your landlord wants you to leave, they must give you notice in a particular way and must have given you certain information and certain documents before doing so.

In some circumstances, your landlord can take back their property without giving any reason. To do this, **all of the following must apply**:

- if you paid a deposit, they've protected your deposit in a [deposit protection scheme](#)
- they've given you at least 2 months' written notice that they want the property back (Notice to Quit') and the date you must leave
- the date you must leave is at least 6 months after your original tenancy began (the one you had on first moving in)
- you have a periodic tenancy – or you have a fixed-term tenancy and your landlord isn't asking you to leave before the end of the fixed term
- you haven't made a complaint to the council about the living conditions in the property that resulted in the council serving a notice to the landlord (for tenancies starting after 30 September 2015)

If your tenancy started after 30 September 2015, your landlord can't lawfully evict you unless they gave you:

- a copy of the leaflet '[How to rent: the checklist for renting in England](#)' before serving notice;
- a **valid** [Energy Performance Certificate](#) (EPC) before serving notice;
- all Prescribed Tenancy Deposit Protection information (where a deposit has been taken) before serving notice, and
- a **valid** gas safety certificate, where gas is installed, **before you moved in.**

Your landlord can only take back their property without giving any reason by using the form '[Notice seeking possession of a property let on an Assured Shorthold Tenancy \(Form 6a\)](#)' which is available from www.gov.uk.

This form and process **cannot** be used:

- in the first four months of the tenancy (but where the tenancy is a replacement tenancy, the four month period is calculated by reference to the start of the original tenancy and not the start of the replacement tenancy – see section 21(4B) of the Housing Act 1988)
- where the landlord is prevented from retaliatory eviction under section 33 of the Deregulation Act 2015;
- where the landlord has not provided the prescribed information and/or prescribed documents set out above;
- where the landlord has not complied with the tenancy deposit protection legislation;
- where a property requires a licence but is unlicensed – see section 75 of the Housing Act 2004 which relates to Houses in Multiple Occupation (HMO); or
- where the landlord is prevented under section 17 of the Tenant Fees Act 2019. (No section 21 notice may be given in relation to a tenancy where a landlord has breached section 1(1) or Schedule 2 of that Act so long as all or part of the prohibited payment or holding deposit has not been repaid to the relevant person or applied to the rent or deposit with the consent of the relevant person.)



If you are within the ‘fixed term’ of your Assured Shorthold Tenancy, your landlord can only ask you to leave if they have one or more ‘grounds’ for possession set in the Housing Act 1988. Examples of the grounds include:

- you are behind with your rent payments (‘in arrears’)
- you have used the property for illegal purposes, like selling drugs
- your landlord wants to move back into the property

The notice period they must give varies from 2 weeks to 2 months, depending on the grounds they are using.

IN SUMMARY – If you are an assured shorthold tenant, your landlord must follow strict procedures if they want you to leave their property; if they don’t, they may be guilty of illegally evicting or harassing you.

If you don’t leave the property.

Your landlord **cannot** remove you by force. If the notice period expires and you don’t leave the property, your landlord may start the process of [eviction](#) through the courts

If you have been served with a **valid** notice seeking possession and your landlord makes an application to the court to recover possession of their property, it is very likely that your landlord will be granted an **Order for Possession** requiring you to leave by a certain date and time.

If you still don’t leave, your landlord must then apply to the Court for a **Warrant for Possession** - this means bailiffs can then evict you from the property.

If you receive any form of notice to quit and present yourself to the Council as being threatened with Homelessness, the Council will:

- assess whether it thinks the notice you have been served is **valid** – if it thinks it is, it will advise you how to make an application as being threatened with Homelessness and explain the homelessness process to you – if it thinks the notice is **not** valid, it will explain why it thinks that to you and with your consent will contact your landlord to explain why it is of that opinion to them.
- If the Council does **not** think your notice is valid and does not have reason to believe that you are homeless or threatened with homelessness within the next 56 days for any other reason, it will tell you that clearly.
- If the Council thinks that your notice **is** valid, it will explain your options fully.

The Council will never tell you that you **should or must** stay in the property after a **valid** notice expires; however, as set out above, tenants do have a lawful option to do so.

At the expiration of a **valid** notice seeking possession, the Council will offer any applicant that is **eligible for assistance, threatened with homelessness and in priority need**, interim emergency accommodation.

If you choose to stay in occupation after the expiration of a valid notice, you remain liable for paying rent to cover the period you remain in occupation and are also likely to have costs awarded against you by the Court to cover your landlords costs associated with seeking an Order and/or a Warrant.

Please note, only a Lawyer can provide legal advice and a decision as to the lawful validity of a Notice can only be made by a Court, however, the Council **will** make decisions and give advice based on the knowledge, training and experience of its staff.

