

Housing



Reading
Borough Council
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August 2016

Landlord Advice: Section 21 Notices (for tenancies starting from 1/10/2015)

This factsheet explains the new requirements you must take into consideration when you issue a Section 21 notice to a tenant on an Assured Shorthold Tenancy Agreement (AST) which started on or after 1 October 2015.

Issuing a Notice

You **MUST** use Form 6a: “Notice seeking possession of a property let on an Assured Shorthold Tenancy” for all new ASTs created on or after 1 October 2015. Forms are available online at www.gov.uk/guidance/assured-tenancy-forms#form-6a

You can also use this form for notices for ASTs created before 1 October 2015 if you wish.

Notice periods

You **MUST** give at least two clear months’ notice.

Notices are only valid for six months from the date of issue.

Validity of Notices

Your notice won’t be valid:

- If it expires before the end of the fixed term (unless there is a break clause)
- If you issued it within the first four months of the start of a NEW tenancy (the start date for a replacement tenancy is the start of the original tenancy)
- If you are prevented from retaliatory eviction under section 33 of the Deregulation Act 2015 (<https://www.gov.uk/government/publications/retaliatory- eviction-and-the-deregulation-act-2015-guidance-note>)
- If your property needs a licence but is unlicensed
- If, before you issued the notice, you hadn’t provided your tenants with:
 - a copy of “How to rent: the checklist for renting in England” (available from www.gov.uk/government/publications/how-to-rent)
 - a copy of an Energy Performance Certificate and
 - a copy of a valid Gas Safety Certificate
- If you didn’t comply with the Tenancy Deposit Protection legislation at the start of the new or replacement tenancy.

Complying with the Tenancy Deposit Protection Legislation

By law:

- you must register the deposit with one of the Government approved Tenancy Deposit Protection Schemes within 30 days of receiving the deposit AND
- you must provide your tenant with a signed TDPS certificate and the prescribed information (see www.gov.uk/tenancy-deposit-protection/information-landlords-must-give-tenants).

If you didn't your Section 21 Notice won't be valid.

The court will only grant a Possession Order if:

- You return the deposit to the tenant in full (or with agreed deductions) or
- The tenant has made a tenancy deposit claim and the Court has either decided the outcome, you have withdrawn the action or the matter has been settled

When the notice expires

Your tenant should find alternative accommodation and leave the property on the day the notice expires - if they don't leave you will need to go to Court to seek a Possession Order.

If your tenant needs help to find new accommodation they can come to the Housing Options Drop-in service which is open Monday to Friday from 9am-5pm (apart from Wednesdays which is 1pm-5pm). They should come in for advice as soon as they receive the notice.

Useful Contacts

Landlord Advisor	0118 937 4209	landlord.advice@reading.gov.uk
Housing Advice	0118 937 2165	housing.advice@reading.gov.uk

This information can be made available in alternative formats (audio, Braille, large print) and languages on request.