

Your rights when your landlord wants to evict you

This leaflet tells assured shorthold tenancies of their rights when their landlord wants the property back.

If you do not have a resident landlord and your accommodation is not tied to your employment you probably have an assured shorthold tenancy.

What are my rights if the landlord wants to evict me?

The law says that your landlord can only lawfully evict you by following the correct process:

- Firstly, the landlord must serve you with a **valid** written notice requiring possession, this can be a 'no fault' Section 21 notice giving you at least two months' notice or a Section 8 notice which must specify the ground(s) on which the landlord is seeking possession (for example rent arrears). Under a Section 8 notice the amount of notice will depend on the reason why the landlord wants to evict.
- Once the time on the notice has expired the landlord can apply for a court order. The courts will give you a limited amount of time to remain in the property,
- After the date set by the court the landlord may apply for a bailiff's warrant, and you will receive a notice of eviction which will give the date that the bailiff will come to evict you.

You are entitled to stay in the property until the bailiff comes. When the bailiff comes you must leave the property.

It is a criminal offence for your landlord to evict you before the bailiff comes, or to harass you with the intention of getting you to leave. If your landlord unlawfully evicts or harasses you get advice from the Councils' Housing Options & Wellbeing team.

How do I know if the landlord's notice is valid?

The law on whether a notice is valid is complicated; it depends on what date your tenancy started or was renewed and whether it is a 'no-fault' Section 21. Please contact the Housing Options & Wellbeing Team for advice.

If the notice is not valid you will have a defence to the landlord's application to the court for possession of the property.

If you leave before the Council tells you that you can leave you may be found to be intentionally homeless, which means that the Council will not have a long-term duty to secure accommodation for you.

If your landlord gives you notice to leave the property contact the Housing Options & Wellbeing Team.

How to contact the Councils' Housing Options & Wellbeing Team

Email: housing.solutions@lewes-eastbourne.gov.uk or

Telephone 01323 410000 or 01273 471600