



## Landlord has served you with notice

Both Private and Social housing tenants are usually entitled to a written notice from their landlord. However, this will depend on the type of tenancy you have and the reasons why the landlord has served you with a written notice.

### What should you do if you have received a notice from your landlord:

- Find out what your legal rights are to remain in the property, as you may be able to stay in your home after the notice expiry date. (this depends on the type of tenancy agreement you have).
- Start to look for another place to live as soon as possible before the notice expires or inform your local authority that you may become homeless – Please refer to Self Help guide 1 – Homelessness for further information on what to do next.

### Different Types of tenancy

It is important that you understand what type of tenancy you have because this will affect the process the landlord must follow when serving a notice and the subsequent required legal action.

#### Assured Shorthold Tenancies (AST)

This is the most common type of private tenancy. It is generally used for tenants who rent privately (not from a council or housing association)

- They are usually for six to 12 months.
- Your deposit must be protected
- Your landlord must serve you with a valid notice in the prescribed format

#### Assured Tenancies

This is the standard form of tenancy for Housing Associations accommodation since 15 January 1989.

- Landlord must serve a notice seeking possession (s8 notice) and then apply for a court order.
- Landlord must prove grounds for possession and they must show that it is reasonable to grant a court order

#### Secure Tenancies

This is the standard form of tenancy in a local authority accommodation (not for temporary accommodation)

- Landlord must serve a notice seeking possession and then apply for a court order.

You can check what type of tenancy you have on the Tenancy rights checker which can be found on the Shelter website at [www.england.shelter.org.uk](http://www.england.shelter.org.uk)

### Notice and Eviction Process:

There are three main steps that your landlord must follow to evict you from your home.

#### Step1 : Valid Notice

Your landlord must serve you with a valid notice. it is important to note that you do not need to leave because the landlord says that you must because you have rights depending on the type of tenancy you have.

It is important that you seek further advice as this area of law is very complex (see below for details).

#### Step 2: Possession order from the courts

If you stay in the property after the expiry date detailed within the notice that you have received from your landlord, the landlord cannot evict you from their property without permission from the courts. Landlord must prove grounds for possession and they must show that it is reasonable to grant a court order.

It is important that you seek further advice as this area of law is very complex.

#### Step 3: Bailiff Warrant

A possession order will state the date that you must leave the property. If you stay beyond that date, the landlord can ask the court to send a bailiff to evict you from your home.

The court will inform you by letter to let you know when the date of the eviction which will be carried out by the court bailiff (not your landlord).

For independent housing advice and advocacy contact:

**Shelter:** 03445151800 [www.shelter.org.uk](http://www.shelter.org.uk)

**Citizens Advice:** [www.citizenadvice.org.uk](http://www.citizenadvice.org.uk)

**For information on free legal advice please visit:** [www.birminghamlawsociety.co.uk/local-advice-agencies](http://www.birminghamlawsociety.co.uk/local-advice-agencies)

