Help! I received a s21 Notice!

- 1) **Don't panic** a s21 Notice is only the first step in the eviction process. Although it says that you are required to leave by a certain date, your landlord cannot lawfully evict you without issuing court proceedings, obtaining a possession order and then applying for a warrant for eviction from the court bailiffs.
- 2) **Check if it's valid** use the checklist below to gather the information you need to work out whether the s21 Notice you have received is valid. If it is not valid and your landlord tries to evict you relying on the s21 Notice then you will have a Defence.

Questions	Notes	Your answers
DEPOSIT DEFENCES:		
Did you pay a deposit?	This could be when you first moved into this property, or a deposit was "carried over" from a different property.	
If yes – how much and when?		Amount: Date paid:
Was the deposit protected in a Tenancy Deposit Scheme within 30 days?	There are 3 different schemes and you can check each one on-line to see if your deposit is there: https://www.depositprotection.com/im-a-tenant/id-like-some-renting-guidance/where-s-my-deposit/ https://www.mydeposits.co.uk/tenants/deposit-checker/ https://www.tenancydepositscheme.com/is-my-deposit-protected/	
Were you given the "prescribed information" about the scheme before you received the s21 Notice?	The prescribed information is: 1. a certificate signed by the landlord that states the amount of the deposit, the address of the property, landlord's or agent's contact details, your contact details, the circumstances when the deposit may be kept; and 2. a leaflet or other document that gives the contact details and information about the scheme where your deposit is protected.	

Has your deposit been	This could be either as a refund or by crediting it	
returned in full?	to your rent account.	
Have you brought a		
claim in court for the		
return of your deposit		
and has the court made		
an order for it to be		
returned?		

What do your answers mean? If you have paid a deposit that was not protected by your landlord within 30 days then your landlord cannot serve a valid s21 Notice unless he returns it to you or you make a claim and the court makes an order. If your landlord protected the deposit within 30 days but didn't give you the prescribed information then he can't serve a valid s21 Notice until he has.

LICENSE DEFENCES:		
Is your home part of a	A HMO needs a licence if 5 or more people live	
large House of Multiple	in the property, they share a toilet, bathroom or	
Occupancy (HMO)?	kitchen and are not part of the same	
	family/household.	
Is your home within an	Please see item 1 in the info sheet for your local	
area of selective	Council's selective licensing web page	
licensing?		
If yes – has your	Please see item 2 in the info sheet for a list of	
landlord got a license	contact details for all Greater Manchester	
	licensing departments	
	3 16 1 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	. 1: 16

What do your answers mean? – If your landlord needs a licence and hasn't got one or applied for one then he cannot serve a valid s21 notice.

DISREPAIR DEFENCES		
Did you make a written		
complaint about		
disrepair to your		
landlord before you		
received the s21		
Notice? If so - has the		
landlord responded		
within 14 days setting		
out what action he will		
take?		
Have the Council	Please see items 3 and 4 in the info sheet for	
served an	what these should include	
Improvement Notice or		

Emergency Remedial	
Notice within the last 6	
months?	

What do your answers mean? – If the Council has served an Improvement Notice or an Emergency Remedial Notice in the 6 months before your landlord served Notice then the s21 Notice is invalid. If you complained about disrepair in writing to your landlord and he failed to respond and the council serve an Improvement or Emergency Remedial Notice before a possession order is made then the s21 Notice will become invalid and your landlord won't be able to serve a valid s21 Notice for 6 months.

EXTRA RULES AND DEFE	NCES FOR TENANCIES STARTING AFTER 1 OCTOBER	2015
Did your tenancy (or		
your most recent		
tenancy agreement)		
start on or after 1		
October 2015		
If yes – did your	Please see item 5 in the info sheet for an	
landlord give you a	example	
How to Rent Booklet		
before you received		
the s21 Notice?		
Did your landlord give	Please see item 6 in the info sheet for an	
you a Energy	example	
Performance		
Certificate before you		
received the s21		
Notice?		
If your home has gas -	Please see item 7 in the info sheet for an	
Did your landlord give	example	
you a gas safety		
certificate before your		
tenancy started (or		
most recent tenancy		
agreement)?		
If your home has gas -		
Did your landlord give		
you a gas safety		
certificate within the		
last 12 months?		

What do your answers mean? - If your tenancy (or most recent tenancy) began after 1 October 2015 and landlord didn't give you a How to Rent booklet, a Energy Performances Certificate before you received the s21 Notice or a Gas Safety Certificate within the last 12 months then the s21 Notice is not valid. If your landlord did not give you a Gas Safety Certificate before your tenancy started then he may not be able to ever serve a valid s21 Notice (we are waiting for a Court of Appeal decision about this defence).

MORE EXTRA RULES AND	DEFENCES FOR TENANCIES STARTING AFTER 1 JUI	NE 2019
Did your tenancy (or		
most recent tenancy)		
begin after the 1 June		
2019		
If yes – was your		
deposit more than 5		
weeks rent?		
Were you charged a		
holding deposit of		
more than 1 weeks		
rent?		
Have you been charged		
by your landlord for		
bills that weren't		
included in your		
tenancy agreement (eg		
Gas, Electricity, TV		
Licence, Council Tax)?		
Have you been charged		
more than £50 for a		
change to the tenancy		
agreement or new		
tenancy agreement?		
Have you been charged		
interest on late rent of		
more than 3% over		
base rate?		
If yes to any of these		
payments – were they		
refunded before you		
received the s21 Notice		
What do your answers m	ean? – If your tenancy (or most recent tenancy) be	egan after 1 June 2019 and your
landlord charged you any	y of these payments and hasn't refunded them to	you before you received the s21
Notice then the s21 Notice	ce is invalid.	
TIMING AND FORM DEFE	:NCFS:	
Was the Notice served		
within 4 months of the		
start of signing a		
tenancy agreement?		
Was the Notice served	Please see item 8 in the info sheet for a sample	
before 25 March 2020?		
If yes – Is it on the		
correct Form 6A		
Does is give at least 2	For example if you received the Notice on 3	
months' notice from	January the date you are required to leave	
the date you received it	should be on or after 2 March.	
auto you received it	S. S. S. S. S. S. S. G. C. C. E. HIGI CIT.	J

to the date it requires you to leave (at s2)?		
Was the Notice served after 25 March 2020? If yes – does it look like this [link to new form 6A)?	Please see item 9 in the info sheet for a sample	
Does it give you at least 3 month' Notice from the date you received it to the date it requires you to leave?	For example if you received the Notice on 2 April the date you are required to leave should be on or after 1 July 2020	
	eans? – If your landlord used the wrong form or di otice and when it requires you to leave, the s21 No	
Is it more than 6 months since you were given the s21 Notice or more than 4 months since the Notice expired?		
	mean? – If yes, the s.21 Notice is too old now for your self he still wants to evict you he will have to serve y	

3) Get advice:

Whether you think the s21 Notice is valid or not you should still get legal advice.

Contact Greater Manchester Law Centre, Shelter, CAB or other housing advice agency or if you are eligible for Legal Aid you should be able to get free advice from a Legal Aid housing solicitor (some contact details are at item 10 on the info sheet)

You can also contact your local authority's homelessness service for advice and assistance in preventing you becoming homeless (contact details for homelessness services in Greater Manchester are at item 11 on the info sheet).

4) Get active:

Tenant's Union, Acorn and Greater Manchester Housing Action all campaign across Greater Manchester fighting for tenant's rights.

Their contact details are at item 12 on the info sheet.

5) Don't Panic!

The courts have suspended all court action for possession cases until at least the 25 June 2020, nothing should happen before then or later if the Notice you have received expires after this date.

IF YOUR LANDLORD TRIES TO EVICT YOU OR PRESSURE YOU INTO LEAVING WITHOUT GOING TO COURT THIS IS UNLAWFUL – CALL THE POLICE IN AN EMERGENCY AND GET URGENT LEGAL ADVICE.

ITEM 1

Check your local Council's web page to see if you fall within a selective licensing area (note: selective licensing is only implemented in some Greater Manchester boroughs, if you can't see your local Council listed here it means they are not currently implementing selective licensing)

- Manchester City Council https://secure.manchester.gov.uk/info/10084/private landlords information/73

 99/selective licensing renting out houses in designated areas/5
- Oldham Council https://www.oldham.gov.uk/downloads/download/955/selective licensing of p
 rivate landlords street lists and maps
- **Salford** City Council https://www.salford.gov.uk/housing/information-for-landlords/landlord-licensing/areas-covered-by-selective-licensing/

ITEM 2

Check if your property requires a license

- **Bolton** Council: send a request for information to <u>licensing.unit@bolton.gov.uk</u>
- Bury Council: check the licensed premises register at https://licensing.bury.gov.uk/PAforLalpacLIVE/1/LicensingActPremises/Search
- **Manchester** City Council: request information about a license via the online form at www.b3.manchester.gov.uk/housing/hmo/
- Oldham Council: send a request for information to licensing@oldham.gov.uk
- Rochdale Council: Check the HMO licence register at http://www.rochdale.gov.uk/housing/landlords/landlord-licensing/Pages/hmo-licensing-register.aspx
- Salford Council: check if your property falls within a selective licensing area by visiting https://www.salford.gov.uk/housing/information-for-landlords/landlord-licensing/areas-covered-by-selective-licensing/
- **Stockport** Council: send a request for information to <u>licensing@stockport.gov.uk</u>
- Tameside Council: check the licensed premises register at https://publicaccess.tameside.gov.uk/online-applications/search.do?action=property&type=custom
- Trafford Council: send a request for information to licensing@trafford.gov.uk
- Wigan Council: Try calling 01942 404627 (please note this number may be inactive due to the current public health crisis. If so please complete their online enquiry form instead at https://www.wigan.gov.uk/Contacts/Licensing.aspx

ITEMS 3 & 4

An Improvement Notice must include information on:

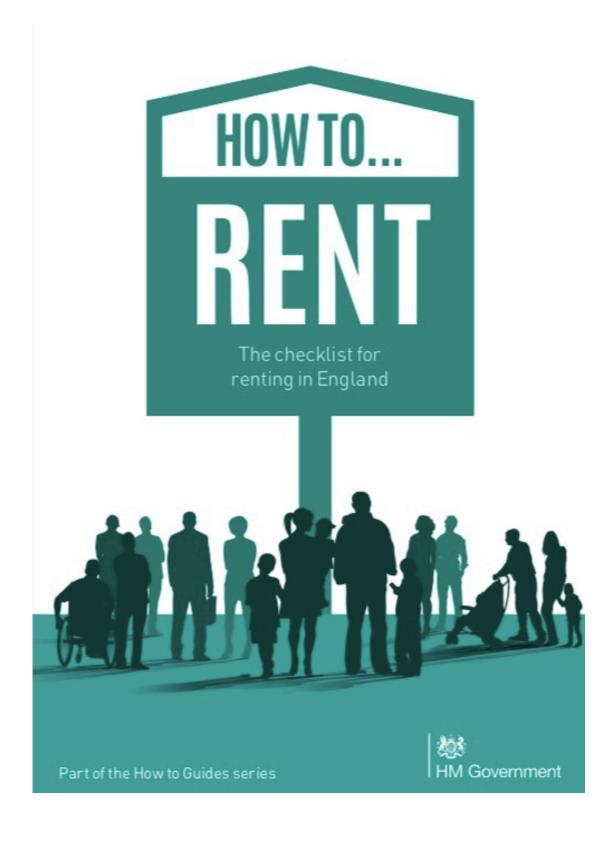
- whether it is made in relation to a category 1 or 2 hazard
- the nature of the hazard(s)
- any deficiencies contributing to it (or them)
- the nature of remedial action, and
- dates when that is to be started (not sooner than 28 days) and completed,
- the right to appeal, and
- the period within which an appeal may be made

The notice of emergency remedial action must state:

- the nature of the hazard and the residential premises on which it exists,
- the deficiency giving rise to the hazard,
- the premises in relation to which emergency remedial action has been (or is to be) taken by the authority under section 40 and the nature of that remedial action,
- the power under which that remedial action has been (or is to be) taken by the authority,
- the date when that remedial action was (or is to be) started,
- The right to appeal, and
- The time within which an appeal may be made.

ITEM 5

A "How to Rent" guide:



ITEM 6

An Energy Performance Certificate:

Energy Performance Certificate



Dwelling type: Top-floor flat Reference number:

Date of assessment: 05 March 2018 Type of assessment: RdSAP, existing dwelling

Date of certificate: 13 March 2018 Total floor area: 60 m²

Use this document to:

Compare current ratings of properties to see which properties are more energy efficient

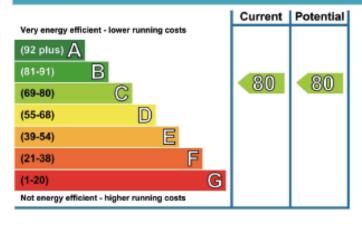
Estimated energy costs of dwelling for 3 years:

£ 1,023

Estimated energy costs of this home					
Current costs Potential costs Potential future saving					
Lighting	£ 147 over 3 years	£ 147 over 3 years			
Heating	£ 594 over 3 years	£ 594 over 3 years	Not applicable		
Hot Water	£ 282 over 3 years	£ 282 over 3 years	Not applicable		
Totals	£ 1,023	£ 1,023			

These figures show how much the average household would spend in this property for heating, lighting and hot water and is not based on energy used by individual households. This excludes energy use for running appliances like TVs, computers and cookers, and electricity generated by microgeneration.

Energy Efficiency Rating



The graph shows the current energy efficiency of your home.

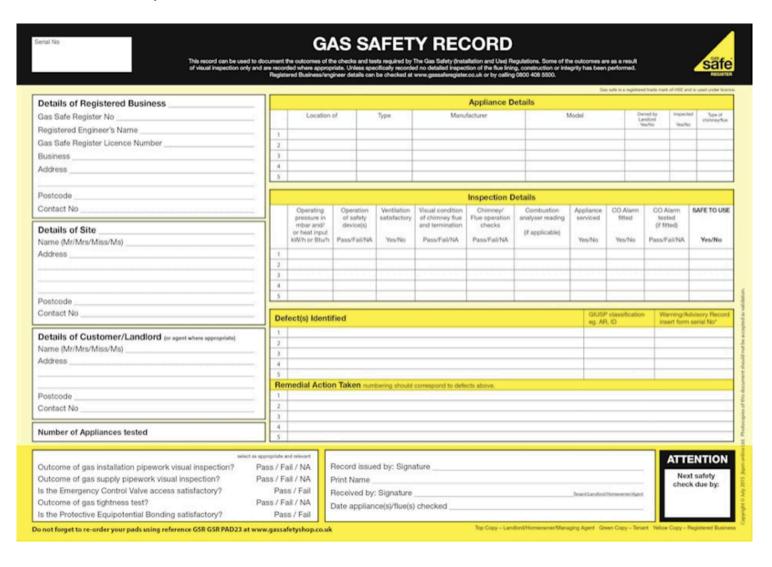
The higher the rating the lower your fuel bills are likely to be.

The average energy efficiency rating for a dwelling in England and Wales is band D (rating 60).

The EPC rating shown here is based on standard assumptions about occupancy and energy use and may not reflect how energy is consumed by individual occupants.

ITEM 7

A Gas Safety Certificate:



ITEM 8

Form 6A in use BEFORE 25 March 2020

FORM 6A

Notice seeking possession of a property let on an Assured Shorthold Tenancy

Housing Act 1988 section 21(1) and (4) as amended by section 194 and paragraph 103 of Schedule 11 to the Local Government and Housing Act 1989 and section 98(2) and (3) of the Housing Act 1996

- Please write clearly in black ink. Please tick boxes where appropriate and cross out text
 marked with an asterisk (*) that does not apply.
- This form should be used where a no fault possession of accommodation let under an assured shorthold tenancy (AST) is sought under section 21(1) or (4) of the Housing Act 1988.
- Do not use this form: (a) if the tenant has resided in the property for less than four months;
 (b) where the landlord is prevented from retaliatory eviction under section 33 of the Deregulation Act 2015;
 (c) where the landlord has not complied with their requirements under SI 2015/1646;
 (d) where the landlord has not protected the tenant's deposit under one of the Government's three approved Tenancy Deposit schemes; or (e) where a property requires a licence but is unlicensed.
- This form must be used for all ASTs created on or after 1 October 2015 except for
 periodic tenancies which have come into being after 1 October 2015 and which were fixed
 term ASTs created before 1 October 2015. This form may nevertheless be used for all
 ASTs.

1. To:
Name(s) of tenant(s) (Block Capitals)
2. You are required to leave the below address after []¹. If you not leave, your landlord may apply to the court for an order under section 21(1) or (4) of the Housing Act 1988 requiring you to give up possession.
Address of premises

If you have a fixed term AST, this notice is only valid for six months from the date of issue. If you have a rolling or periodic tenancy, e.g. you rent the property on a week by week or month by month basis, this notice is only valid for four months from the date of issue.

¹ Landlords should insert a calendar date here. The date should allow for the service period, and in effect be two months plus two days if the notice is served by post, e.g. where a notice is posted first class on 15 December 2015, the earliest a tenant may be required to give up possession of the property is after 17 February 2016. Where landlords are seeking an order for possession on a statutory periodic tenancy under section 21(4) of the Housing Act 1988, the notice period should also not be shorter than the period of the tenancy (up to a maximum of six months), e.g. where there is a quarterly periodic tenancy, the date should be three months from the date of service.

4. Name and address of landlord	
To be signed and dated by the landlord or their agen joint landlords each landlord or the agent must sign t their agreement.	
Signed	Date
Please specify whether: landlord joint landlords	landlord's agent
Name(s) of signatory/signatories (Block Capitals)	
Address(es) of signatory/signatories	
Telephone of signatory/signatories	
Total principle of digital or you great or to	

What to do if this notice is served on you

- This notice is the first step requiring you to give up possession of the property referred to in section 2 above. You should read it very carefully.
- You are entitled to at least two months' notice before being required to give up
 possession of the property. However, if you have a rolling or periodic tenancy which is
 quarterly, you must be given at least three months' notice, or, if you have a rolling or
 periodic tenancy which is half yearly or annual, you must be given at least six months'
 notice (which is the maximum). The date you are required to leave by should be shown in
 section 2 above.
- Where your tenancy is terminated before the end of a period of your tenancy (e.g. where
 you pay rent in advance on the first of each month and you are required to give up
 possession in the middle of the month), you may be entitled to repayment of rent from the
 landlord under section 21C of the Housing Act 1988.
- If you need advice about this notice, and what you should do about it, take it immediately
 to a citizens' advice bureau, a housing advice centre, a law centre or a solicitor.

ITEM 9

Form 6A in use SINCE 25 March 2020:



This form has been changed to reflect new legislation which came into force on 26 March 2020 and should be used by landlords in England up to 30 September 2020.

FORM 6A Notice seeking possession of a property let on an Assured Shorthold Tenancy

Housing Act 1988 section 21(1) and (4) as amended by section 194 and paragraph 103 of Schedule 11 to the Local Government and Housing Act 1989 and section 98(2) and (3) of the Housing Act 1996 and as modified by section 81 of, and paragraph (6) of Schedule 29 to, the Coronavirus Act 2020

Please write clearly in black ink. Please tick boxes where appropriate.

This form should be used where a no fault possession of accommodation let under an assured shorthold tenancy (AST) is sought under section 21(1) or (4) of the Housing Act 1988

There are certain circumstances in which the law says that you cannot seek possession against your tenant using section 21 of the Housing Act 1988, in which case you should not use this form. These are:

- (a) during 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);
- (b) where the landlord is prevented from retaliatory eviction under section 33 of the Deregulation Act 2015;
- (c) where the landlord has not provided the tenant with an energy performance certificate, gas safety certificate or the Ministry of Housing, Communities and Local Government's publication "How to rent: the checklist for renting in England" (see the Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015);
- (d) where the landlord has not complied with the tenancy deposit protection legislation;
- (e) where a property requires a licence but is unlicensed (NB see section 75 of the Housing Act 2004 which relates to Houses in Multiple Occupation ("HMO"); or
- (f) where the landlord is prevented under section 17 of the Tenant Fees Act 2019. (NB 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.)

Landlords who are unsure about whether they are affected by these provisions should seek specialist advice.

This form must be used for all ASTs created on or after 1 October 2015 except for statutory periodic tenancies which have come into being on or after 1 October 2015 at the end of fixed terms ASTs created before 1 October 2015. There is no obligation to use this form in relation to ASTs created prior to 1 October 2015, however it may nevertheless be used for all ASTs.



What to do if this notice is served on you

You should read this notice very carefully. It explains that your landlord has started the process to regain possession of the property referred to in section 2 below.

You are entitled to at least three months' notice before being required to give up possession of the property. However, if your tenancy started on a periodic basis without any initial fixed term a longer notice period may be required depending on how often you are required to pay rent (for example, if you have a periodic tenancy which is half yearly or annual, you must be given at least six months' notice (which is the maximum)). The date you are required to leave should be shown in section 2 below. After this date the landlord can apply to court for a possession order against you.

Where your tenancy is terminated before the end of a period of your tenancy (e.g. where you pay rent in advance on the first of each month and you are required to give up possession in the middle of the month), you may be entitled to repayment of rent from the landlord under section 21C of the Housing Act 1988.

If you need advice about this notice, and what you should do about it, take it immediately to a Citizens' Advice Bureau, a housing advice centre, a law centre or a solicitor.

Information for tenants who have received this notice and are concerned they may be at risk of homelessness

If you are a tenant and you believe you are at risk of homelessness as a result of receiving an eviction notice, then you should consider contacting your local authority for support. Local authorities have a legal duty to provide homeless people or people who are at risk of becoming homelessness within 56 days with advice and support to find a new home. More information on the process that must be followed by landlords when seeking to evict a tenant is available at https://www.gov.uk/private-renting-evictions.

You can also get advice and support from your local Citizens' Advice Bureau, a housing advice centre, a law centre or a solicitor. Free independent advice is also available from Shelterline on 0808 800 4444 or via the Shelter website at: https://www.shelter.org.uk/.

1.	To:			
	Name(s) of tenant(s) (Block Capitals)			

You are required to leave the below address after []¹. If you do not leave, your landlord may apply to the court for an order under Section 21(1) or (4) of the Housing Act 1988 requiring you to give up possession.

¹ Landlords should insert a calendar date here. The date should allow sufficient time to ensure that the notice is properly served on the tenant(s). This will depend on the method of service being used and landlords should check whether the tenancy agreement makes specific provision about service.



	and and an analysis of the contract of the con		
3.	. This notice is valid for six months only from the date of issue unless you have a periodic tenancy unde which more than three months' notice is required (see notes accompanying this form) in which case the notice is valid for four months only from the date specified in section 2 above.		
4.	Name and address of landlord		
	To be signed and dated by the landlord or their agent (someone acting for them). If there are joint landlords each landlord or the agent should sign unless one signs on behalf of the rest with their agreement.		
-	Signed	<u>Date</u>	
120		-	
	Please specify whether: ☐ landlord ☐ joint landlords Name(s) (Block Capitals)	☐ landlord's agent	
	тчатте(з) (впоск саркав)		
	Address(es) of signatory/signatories		
_	Telephone of signatory/signatories		

Where landlords are seeking an order for possession on a statutory periodic tenancy under section 21(4) of the Housing Act 1988, the notice period should also not be shorter than the period of the tenancy (up to a maximum of six months).

ITEM 10

Greater Manchester Law Centre - 0161 769 2244 or e-mail housing@gmlaw.org.uk

Shelter - 0344 515 1640

Citizens Advice Bureau - 03444 111 222

ITEM 11

Local authority homelessness services:

Bolton - 01204 335900 or e-mail housing.options@bolton.gov.uk

Bury - 0161 253 5537 or if it's an emergency after 5pm or at weekends please call 0161 253 6606

Manchester - 0161 234 4692 or for out of office hours please call 0161 234 5001

Oldham - 0161 770 4605 or e-mail housing.options@oldham.gov.uk

Rochdale - 0300 303 8548 or for out of office hours please call 0300 303 8875 or e-mail housing.homelessness@rbh.org.uk

Salford - 0161 793 2020 or for out of office hours please call 0161 794 8888

Tameside - 0161 331 2700 or for out of office hours please call 0161 331 2700

Trafford - 0161 912 2230 or for out of office hours please call 0800 218 2000

Wigan - 01942 828777 or fill in their housing enquiry form here https://www.wigan.gov.uk/Contacts/Council-homes/Housing-difficulties.aspx#ContactEmail

ITEM 12

Tenants' Union - 07512 307123

Acorn - General Enquiries 07517835033 and Housing Issues 07549673865 or e-mail manchester@acorncommunities.org.uk

Greater Manchester Housing Action - E-mail gmhousingaction@gmail.com