

Your rights when your landlord wants to evict you

This leaflet informs tenants with assured shorthold tenancies of their rights if their landlord wants the property back.

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 has to serve you with a *valid* notice requiring possession, this can be a 'no fault' Section 21 notice giving you at least two months' notice in writing, or must specify the ground(s) on which the landlord is seeking possession (for example rent arrears) and the amount of notice will depend on the ground.
- 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, which will give the date that the bailiffs will come to take possession of your property.

You are entitled to stay in the property until the bailiffs come. When the bailiffs come you must leave the property.

It is a criminal offence for your landlord to evict you before the bailiffs come, 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 Solutions team.

Coronavirus Emergency

Normally a landlord has to give at least two months' notice requiring the property back. During the Coronavirus emergency the Government has changed the notice requirement to a minimum of 3 months.

The Government has also instructed judges and bailiffs not to continue with possession proceedings during the period of the emergency.

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

The law on whether or not 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 Solutions 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.

How to contact the Councils' Housing Solutions Team

For the duration of the Coronavirus emergency the Councils' Housing Solutions Team are not seeing customers face to face, but if you can scan documents and email them we will be able to advise you whether the notice is valid. Please contact us on housing.solutions@lewes-eastbourne.gov.uk or telephone 01323 410000 or 01273 471600