

[Home](#) > [Housing and local services](#)  
> [Being a landlord and renting out a room](#)

# Evicting tenants in England

## 1. Overview

You must follow strict procedures if you want your tenants to leave your property.

**You may be guilty of [harassing or illegally evicting your tenants \(/evicting-tenants/harassment-and-illegal-evictions\)](#) if you do not follow the correct procedures.**

There's different guidance on:

- [evicting tenants in Northern Ireland](#)  
(<https://www.nidirect.gov.uk/articles/protection-against- eviction>)
- [evicting tenants in Scotland](#)  
(<https://www.mygov.scot/ending-a-tenancy-as-a- landlord/>)
- [renting out homes and evicting tenants in Wales](#)  
(<https://www.gov.wales/renting-homes-landlords>)

## Procedures for different types of tenancy

The exact procedure will depend on [the tenancy agreement and its terms \(/tenancy-agreements-a-guide-for-landlords/tenancy-types\)](#).

### Assured shorthold tenancies

The 2 types of assured shorthold tenancies are:

- 'periodic' tenancies - these run week by week or month by month with no fixed end date
- fixed-term tenancies - these run for a set amount of time

You must follow a set process if your tenants have an assured shorthold tenancy.

- 1 Give your tenants a Section 21 notice if you want the property back after a fixed term ends. Give them a Section 8 notice if they've broken the terms of the tenancy. [Find out how to give Section 21 and Section 8 notices \(/evicting-tenants/section-21-and-section-8-notice\)](/evicting-tenants/section-21-and-section-8-notice).
- 2 Apply to the court for a [standard possession order \(/evicting-tenants/standard-possession-order\)](/evicting-tenants/standard-possession-order) if your tenants do not leave by the date specified on the notice and they owe you rent. You can apply for an [accelerated possession order \(/evicting-tenants/accelerated-possession-order\)](/evicting-tenants/accelerated-possession-order) if you're not claiming any unpaid rent.
- 3 Apply for a [warrant for possession \(/evicting-tenants/eviction-notice-and-bailiffs\)](/evicting-tenants/eviction-notice-and-bailiffs) if your tenants still will not leave - this means bailiffs can remove the tenants from your property.

## Excluded tenancies or licences

You do not have to go to court to evict your tenants if they have an excluded tenancy or licence, for example if they live with you.

You only need to give them 'reasonable notice' to quit. Reasonable notice usually means the length of the rental payment period, so if your tenants pay rent weekly you can give them one week's notice. The notice does not have to be in writing.

You can then change the locks on their rooms, even if they still have belongings in there.

## Assured and regulated tenancies

If your tenants started their tenancy before 27 February 1997, they might have an assured or regulated tenancy. You'll then have to follow different rules to evict them and they'll have increased protection from eviction.

You can get information from Shelter about:

- [assured tenancies in England](https://england.shelter.org.uk/housing_advice/private_renting/assured_tenancies)  
([https://england.shelter.org.uk/housing\\_advice/private\\_renting/assured\\_tenancies](https://england.shelter.org.uk/housing_advice/private_renting/assured_tenancies))
- [regulated tenancies in England](https://england.shelter.org.uk/housing_advice/private_renting/regulated_tenancies)  
([https://england.shelter.org.uk/housing\\_advice/private\\_renting/regulated\\_tenancies](https://england.shelter.org.uk/housing_advice/private_renting/regulated_tenancies))

## Your tenant owes rent and gets housing benefits

If your tenant owes you rent and claims Universal Credit or Housing Benefit you may be able get the rent paid straight to you instead of evicting them. This is known as 'managed payments'.

Request managed payments if your tenant is claiming:

- Universal Credit - [apply to the Department for Work and Pensions](https://www.gov.uk/government/publications/universal-credit-and-rented-housing--2/universal-credit-and-rented-housing-guide-for-landlords#support-and-alternative-payment-arrangements)  
([/government/publications/universal-credit-and-rented-housing--2/universal-credit-and-rented-housing-guide-for-landlords#support-and-alternative-payment-arrangements](https://www.gov.uk/government/publications/universal-credit-and-rented-housing--2/universal-credit-and-rented-housing-guide-for-landlords#support-and-alternative-payment-arrangements))
- Housing Benefit - [contact the local council](https://www.gov.uk/find-local-council) ([/find-local-council](https://www.gov.uk/find-local-council)) that pays your tenants' benefits

## 2. Section 21 and Section 8 notices

You can evict tenants who have an [assured shorthold tenancy](https://www.gov.uk/private-renting-tenancy-agreements/tenancy-types) ([/private-renting-tenancy-agreements/tenancy-types](https://www.gov.uk/private-renting-tenancy-agreements/tenancy-types)) using a Section 21 or Section 8 notice, or both.

Use a Section 8 notice if your tenants have broken the terms of the tenancy.

Before serving notice, try to resolve any disputes with your tenant instead. For example, work with

your tenant to [manage rent arrears](https://www.nrla.org.uk/resources/ending-your-tenancy/pre-action-plan-avoiding-possession-claims) (<https://www.nrla.org.uk/resources/ending-your-tenancy/pre-action-plan-avoiding-possession-claims>) or [agree a rent repayment plan](https://www.citizensadvice.org.uk/debt-and-money/rent-arrears/paying-off-your-rent-arrears/#h-talking-to-your-landlord) (<https://www.citizensadvice.org.uk/debt-and-money/rent-arrears/paying-off-your-rent-arrears/#h-talking-to-your-landlord>) if they have rent arrears.

When you serve a notice, you may want to let your tenant know they can get free legal advice from the [Housing Loss Prevention Advice Service](https://www.gov.uk/guidance/legal-aid-for-possession-proceedings) (<https://www.gov.uk/guidance/legal-aid-for-possession-proceedings>).

## Section 21 notice of seeking possession

You can use a Section 21 notice to evict your tenants either:

- after a fixed term tenancy ends - if there's a written contract
- during a tenancy with no fixed end date - known as a 'periodic' tenancy

You can [get legal advice \(/find-a-legal-adviser\)](#) if you do not know which notice to give.

### When you cannot use a Section 21 notice

You cannot use a Section 21 notice if any of the following apply:

- it's less than 4 months since the tenancy started, or the fixed term has not ended, unless there's a clause in the contract which allows you to do this
- the property is categorised as a [house in multiple occupation \(/private-renting/houses-in-multiple-occupation\)](#) (HMO) and does not have a HMO licence from the council
- the tenancy started after April 2007 and you have not put the tenants' deposit in a [deposit protection scheme \(/deposit-protection-schemes-and-landlords\)](#)

- the council has served an improvement notice on the property in the last 6 months
- the council has served a notice in the last 6 months that says it will do emergency works on the property
- you have not repaid any unlawful fees or deposits that you charged the tenant - read the guidance for landlords on the [Tenant Fees Act 2019 \(/government/publications/tenant-fees-act-2019-guidance\)](https://www.gov.uk/government/publications/tenant-fees-act-2019-guidance)

You also cannot use a Section 21 notice if you have not given the tenants copies of:

- the property's [Energy Performance Certificate \(/buy-sell-your-home/energy-performance-certificates\)](https://www.gov.uk/buy-sell-your-home/energy-performance-certificates)
- the government's '[How to rent](https://www.gov.uk/government/publications/how-to-rent)' guide ([/government/publications/how-to-rent](https://www.gov.uk/government/publications/how-to-rent))
- a current [gas safety certificate \(https://www.gassaferegister.co.uk/help-and-advice/gas-safety-certificates-records/gas-safety-record/\)](https://www.gassaferegister.co.uk/help-and-advice/gas-safety-certificates-records/gas-safety-record/) for the property, if gas is installed

You must have given your tenants the gas safety certificate and the 'How to rent' guide before they moved in.

You must have given your tenants a copy of the property's Energy Performance Certificate before they rented the property.

## Giving tenants a Section 21 notice

You must use [form 6a \(/guidance/assured-tenancy-forms#form-6a\)](https://www.gov.uk/guidance/assured-tenancy-forms#form-6a), or you can write your own Section 21 notice that includes the same information.

## How much notice you need to give

A Section 21 notice must give your tenants at least 2 months' notice to leave your property.

You may need to give a longer notice period if you have a 'contractual' periodic tenancy. This is a fixed term tenancy that has ended, but included a clause to continue as a periodic tenancy. The amount of notice must be the same as the rental period, if this

is more than 2 months. For example, if your tenant pays rent every 3 months, you must give 3 months' notice.

## Section 8 notice of seeking possession

To give your tenants notice using a Section 8, you must fill in a ['Notice seeking possession of a property let on an assured tenancy or an assured agricultural occupancy'](#) ([/assured-tenancy-forms#form-3](#)). Specify on the notice which terms of the tenancy they've broken.

You can give between 2 weeks' and 2 months' notice depending on which terms they've broken.

You can [get legal advice](#) ([/find-a-legal-adviser](#)) on how to fill in a Section 8 with the correct notice periods and how to give it to your tenants.

## After you give notice

Keep proof that you gave notice to your tenants - either:

- fill in the [certification of service form \(N215\)](#) ([/government/publications/form-n215-certificate-of-service](#))
- write "served by [your name] on [the date]" on the notice

If your tenants do not leave by the specified date, you can use your completed N215 or notice to:

- [apply for a possession order](#) ([/evicting-tenants/standard-possession-orders](#))
- [apply for an accelerated possession order](#) ([/evicting-tenants/accelerated-possession-orders](#)) - this can only be used if you've given your tenants a Section 21 notice

## 3. Standard possession orders

You can [use the possession claim online service](#) ([/possession-claim-online-recover-property](#)) if you want

to get your property back because your tenants owe you rent.

The service lets you fill in court forms online and see how the claim is progressing. It costs £391.

## When you cannot use the online service

You will not be able to use the online service for some kinds of standard possession claim, for example where there's been trespass on your property, or your tenants have broken the terms of the lease.

Fill in the paper [standard possession claim form \(/government/publications/form-n5-claim-form-for-possession-of-property\)](https://www.find-court-tribunal.service.gov.uk/) and post it to your [local court that deals with housing possession \(https://www.find-court-tribunal.service.gov.uk/\)](https://www.find-court-tribunal.service.gov.uk/).

It costs £391 to apply. Send a cheque made payable to 'HM Courts and Tribunals Service' to the court with your completed form.

## If you made a possession claim before 3 August 2020

You'll usually need to [complete an N244 form \(/government/publications/form-n244-application-notice\)](https://www.find-court-tribunal.service.gov.uk/) to tell the court you want to continue with your claim.

You do not need to submit an N244 form if:

- you submitted a reactivation notice to the court before 4pm on 30 April 2021
- a judge has issued a possession order that says your tenants must leave the property

## How to submit an N244 form

You'll need to either:

- post 3 copies of the form with your payment to the court

- email the form to the court and give your phone number - the court will call you so that you can pay over the phone

It will cost £303 if you want the court to give your tenants notice of your application or £119 if not - for example, if the case is urgent.

If the judge for your case decides that you need to give notice and you have not, you'll need to pay the extra £184.

You may be eligible for [help with court fees \(/get-help-with-court-fees\)](#).

## 4. Accelerated possession orders

You can apply for an accelerated possession order if your tenants have not left by the date specified in your [Section 21 notice \(/evicting-tenants/section-21-and-section-8-notices\)](#) and you're not claiming rent arrears.

This is sometimes quicker than applying for a standard possession order and there's usually no court hearing. It costs £391.

Fixed-term tenants cannot be evicted until their tenancy ends.

If you want to claim rent arrears, you can use either the:

- [standard possession procedure \(/evicting-tenants/standard-possession-orders\)](#)
- accelerated procedure to get your property back, then make a separate court claim for the rent arrears

## How to apply

Download and fill in the [form for properties in England \(/government/publications/form-n5b-england-claim-form-for-possession-of-a-property-located-wholly-in-england-accelerated-procedure\)](#).



Send the completed form to the nearest [court that deals with housing possession \(/find-court-tribunal\)](#).

## What happens next

Once your application is approved, the court will send your tenants a copy of the application.

Your tenants have 14 days to challenge the application, from the date they receive it.

A judge will decide either to:

- issue a possession order that states your tenants must leave the property (this is normally the case)
- have a court hearing (this usually only happens if the paperwork is not in order or your tenants raise an important issue)

Even if there's a hearing, the court can still decide to issue a possession order.

If your tenants are in an exceptionally difficult situation the judge may give them up to 6 weeks.

## If you made a possession claim before 3 August 2020

You'll usually need to [complete an N244 form \(/government/publications/form-n244-application-notice\)](#) to tell the court you want to continue with your claim.

You do not need to submit an N244 form if:

- you submitted a reactivation notice to the court before 4pm on 30 April 2021
- a judge has issued a possession order that says your tenants must leave the property

## How to submit an N244 form

You'll need to either:

- post 3 copies of the form with your payment to the court
- email the form to the court and give your phone number - the court will call you so that you can pay over the phone

It will cost £303 if you want the court to give your tenants notice of your application or £119 if not - for example, if the case is urgent.

If the judge for your case decides that you need to give notice and you have not, you'll need to pay the extra £184.

You may be eligible for [help with court fees \(/get-help-with-court-fees\)](#).

## 5. Possession hearings and orders

The judge could decide to make an order, or that a hearing is needed.

### Hearings

At the hearing they might:

- dismiss the court case - no order will be made and the hearing will end
- adjourn the hearing - it will be moved to a later date (this happens if a judge believes a decision cannot be made on the day)
- make an 'order' - a judge's legal decision on what should happen

The judge will dismiss the case if there's no reason your tenants should be evicted. This might also happen if:

- you have not followed the correct procedure
- you or your representative do not attend the hearing
- your tenants have paid any rent that was owed

Your tenants can stay in your property if the judge dismisses the case. You must restart the court process from the beginning if you still want to evict them.

## Orders

The judge can make different kinds of orders.

### **Order for possession (or 'outright possession order')**

This means your tenants must leave your property before the date given in the order.

The date will be either 14 or 28 days after the court hearing.

You can ask the court to evict them with a 'warrant for possession' if your tenants do not leave your property by the date given. If the court gives a warrant, your tenants will be sent an eviction notice with a date by when they must leave your property.

### **Suspended order for possession**

This means your tenants can stay in your property as long as they make the payments, or obey the conditions, set out in the order. You can ask the court to evict them if they do not make the payments.

### **Money order**

This means your tenants must pay you a specified amount. The courts could take action if they do not make the payments, including:

- deducting money from the tenants' wages or bank accounts
- sending bailiffs to take away things they own

You can go to court again and ask for a possession order if your tenants get into rent arrears after a money order is made.

### **Possession orders with a money judgment**

A judge can add a money judgment to any of the possession orders. This means your tenants owe a specific amount of money, usually made up of:

- their rent arrears
- court fees
- your legal costs

The money judgment will apply if they do not pay the amount set out in the suspended possession order that's linked to the judgment. If they do not pay, you can ask the court to carry out the instructions in the order and the judgment.

The money judgment will not apply if your tenants pay their arrears and the amount set out in a suspended possession order.

## Appealing against the decision

You can only appeal if you can show the judge made mistakes in the original possession hearing. You'll need to ask the judge for permission to appeal at the end of that hearing.

If you get permission to appeal, you'll have to apply for an appeal hearing as soon as possible afterwards. You'll have to pay a [court fee \(/court-fees-what-they-are\)](#), unless you qualify for financial help.

You'll need to get [legal advice \(/find-legal-advice\)](#).

## 6. Eviction notices and bailiffs

You can ask the court for a 'warrant for possession' if your tenants:

- do not leave the property by the date given in an order for possession
- break the terms of a suspended order for possession

When the court issues a warrant, it will send your tenants an eviction notice with the date they must leave your property by. A bailiff can evict your tenants if they do not leave by this date.

You can apply for a warrant of possession up to 6 years after a possession order is made.

## How to apply for a warrant

You can apply for a warrant for possession using either:

- [form N325 \(/government/publications/form-n325-request-for-warrant-for-possession-of-land\)](#)
- the [Possession Claim Online service \(https://www.possessionclaim.gov.uk/pcol/\)](#) - as long as you used it to issue the original order for possession

It costs £143.

## When a warrant is issued

You'll be sent a warrant number by the court.

You'll also be sent an EX96 'notice of appointment' form to tell you the date of the eviction.

You must fill in the form and return it to the court to confirm the eviction. Otherwise, the eviction will be cancelled.

## If you transfer the warrant to the High Court

You can get a 'writ of possession' if you [transfer the warrant from the county court to the High Court \(https://www.hceo.org.uk/instruct-a-hceo/i-need-advice-on-recovering-possession-of-my-house-or-land\)](#). This means a High Court enforcement officer can evict your tenants. You might get a faster eviction this way.

Before you transfer, you'll need to [apply for permission from the county court \(https://www.gov.uk/government/publications/form-n244-application-notice\)](#) if you do not already have it. It costs £78.

## Delaying eviction

Your tenants can ask a judge to 'suspend' the warrant for possession at a new hearing. The judge

could delay the eviction or let your tenants stay in your property if they can make payments again.

## Changing payments

If your tenants' circumstances change, they can ask a judge at a new hearing to change what they pay.

## 7. Harassment and illegal evictions

It's a crime to harass or try to force your tenants out of a property without following correct procedures. Your tenants might have the right to claim damages through the court if you do not follow the rules.

### What is harassment?

Harassment can be anything you do or do not do that makes your tenants feel unsafe in your property or forces them to leave.

Harassment can include:

- stopping services, like electricity
- withholding keys, for example if there are 2 tenants in a property but you'll only give one key
- refusing to carry out repairs
- antisocial behaviour by someone on your behalf, for example your friend moves in next door to your tenants and causes problems
- threats and physical violence

### Illegal eviction

You may be guilty of illegal eviction if you:

- do not give your tenants the right amount of notice to leave your property
- change the locks
- evict your tenants without a court order

**OGI**

All content is available under the Open Government Licence v3.0, except where otherwise stated

© Crown copyright