



## A Landlord's Guide to Section 21 Evictions



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This guide applies if a tenancy agreement was started or renewed on or after 1st October 2015 and a deposit was taken.

## Dealing with the deposit

If a deposit is taken, it needs to be protected within 30 days of receipt by placing it into the relevant Deposit Protection Scheme (DPS). Failure to do so may enable the tenant to bring a claim for damages against the landlord and claim up to 3 times the amount of the deposit together with the deposit itself.

## Information to give the tenant prior to moving in

- The Government's "How to Rent" booklet. This must be the most recent issue at the time of the tenancy.
- DPS Certificate showing deposit is properly protected.
- Current copy of the Landlord's Gas Safety Certificate.
- Valid Energy Performance Certificate (EPC).

## **I have given all information to the tenant, the tenancy has ended and I want to serve notice. How do I serve a Section 21 Notice?**

The new section 21 notice must be used to evict a tenant when an agreement is dated on or after 1st October 2015. A copy of the notice can be found on the HM Courts & Tribunals Service website and it should allow the tenant 2 or more months to vacate the property. Should the tenant not vacate upon expiration of the notice then proceedings may be issued in the County Court.

## **The tenant hasn't moved out. How do I issue proceeding?**

The appropriate Claim form and supporting documents will need to be filed with the local County Court, together with the current Court fee of £355.00 to evict the tenant. Once the Court has reviewed the paperwork, you will be provided with a Notice of Issue from the Court.

## **Dealing with the claim once issued?**

Once the claim has been issued in the County Court, the tenant will have two weeks to file a defence. The Judge will review the defence and determine whether or not a hearing is required to deal with the matter. Should the tenant fail to file a defence, you may request possession of the property.

## The Date of Possession

Once the claim and any defences have been reviewed, the Judge will provide a date by which the tenant has to vacate the property. Should the tenant fail to vacate by the date provided, an Application for County Court Bailiffs can be made together with the current Court fee of £121.00.

## Applying for a Bailiff

There are two available options when making an Application for Bailiffs. The first being County Court bailiffs and the second being High Court bailiffs.

If you are granted permission from the County Court to transfer the matter to the High Court, then an express 7 day service can be applied for to evict the tenant.

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If you would like any advice in evicting your tenants, please contact us at → [solicitor@starckuberoid.co.uk](mailto:solicitor@starckuberoid.co.uk)

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