

Serving Section 21 Notices

This information applies to the service of any notice on a tenant and it should be served within the guidelines below.

- Typically a solicitor will serve by post at a cost of around £50.00
- Alternatively a solicitor may use a process server at a cost around £100.00

If you wish to serve notice yourself you should do so either by hand or by post.

If you serve by hand it will be deemed to have been served the next working day (not a Saturday, Sunday or Bank Holiday) after you delivered it.

If you deliver by first class post it will be deemed to have been served on the **second** day after it was posted.

Serving by hand

- Preferably take an independent witness who can sign a 'Witness to serving' notice. This form can be downloaded from [here](#)
- If serving on the person you can get him/her to sign the reverse of your copy to say that they have received it, but they may not if relationships have broken down between you.
- It can be served on the person at the property, at their place of work, at their registered office or even in the street.
- If **leaving** at the property it should be put through or under a door **to which only they have access**, i.e. not through a communal door.

Serving by post should be undertaken as the last resort as tenants will often claim that they didn't receive it

- Use first class post and ask the post office for a certificate of posting
- **Do not use registered or recorded post.** People who have debt problems etc. will invariably refuse to sign for deliveries

If you subsequently go to court you should complete a N215 – w3 form (Certificate of Service) to confirm to the court how and when the notice was served.

Date advice for notice expiry date

The 'expiry date' of the notice is dependent on how long is left before the end of a tenancy. The rule is as follows:

- Greater or equal to 2 months left If the date of deemed service is more than or equal to 2 calendar months before the end of the fixed term, then the expiry of the notice is the end of the fixed term tenancy (assuming the tenancy length is at least 6 months).
- Less than 2 months left If the date of deemed service is less than 2 calendar months before the end of the fixed term, then the expiry of the notice is 2 calendar months from the date of deemed service.
- Fixed term expired If the date of deemed service is after the end of the fixed term, then the expiry of the notice is a date falling on the last day of a period of the tenancy being at least 2 months in length.

In either of these cases arrears cannot be recovered through the courts but could be pursued through the small claims court. The Section 21 route can lead the landlord to the accelerated possession procedure enabling somewhat quicker possession of the property.

You should certainly consider professional advice when dealing with these matters.

Section 21 FIXED

HOUSING ACT 1988 Section 21(1)(b) ASSURED SHORTHOLD TENANCY; NOTICE REQUIRING POSSESSION FIXED TERM TENANCY

(Agents Only) Name:
 Address:
(Tenant(s) Name) To:
 Of:
(Landlord Name) From:
 Of:

I/We give you notice that I/We require possession of the dwelling house known as

(Property Address)

(Date Possession **After:** *required*)

or (if this notice would otherwise be invalid and your tenancy is for a fixed term), at least two months after the service of this notice and on a date not earlier than the end of the fixed period.

(Today's date) Dated:

Signed:

(Please Specify) **Landlord** **Joint Landlords** **Landlords Agent**

NOTES

1. On or after coming to the end of a fixed term assured short hold tenancy, a court must make an order for possession if the landlord has given notice in this form
2. Where there are joint landlords, at least one of them must sign this Notice.
3. The length of the notice must be at least two months, and the notice must be given before or on the day on which the fixed term comes to an end.

INFORMATION FOR TENANTS

1. If the tenant or licensee does not leave the dwelling, the landlord or licensor must get an order for possession from the court before the tenant or licensee can be lawfully evicted. The landlord or licensor cannot apply for such an order before the notice to quit or notice to determine has run out.
2. A tenant or licensee who does not know if he has any right to remain in possession after a notice to quit or a notice to determine runs out can obtain advice from a solicitor. Help with all or part of the cost of legal advice may be available under the Legal Aid Scheme. He should also be able to obtain information from a Citizens' Advice Bureau, a Housing Aid Centre or a Rent Officer.

Section 21 Periodic

HOUSING ACT 1988 Section 21(4)(a) ASSURED SHORTHOLD TENANCY; NOTICE REQUIRING POSSESSION PERIODIC TENANCY

(Agents Only) Name:
 Address:
(Tenant(s) Name) To:
 Of:
(Landlord Name) From:
 Of:

I/We give you notice that I/We require possession of the dwelling house known as

(Property Address)

or (if this notice would otherwise be invalid and your tenancy is a periodic tenancy), at least two months after the service of this notice and on the last date of a period of your tenancy but no earlier than the date on which your tenancy could lawfully be ended by a notice to quit

(Today's date) Dated:

Signed:

(Please Specify) **Landlord Joint Landlords Landlords Agent**

(Date Possession **After:** *required*)

NOTES

1. Where an assured Short hold tenancy is a periodic tenancy, a court must make an order for possession if the landlord has given a notice in this form.
2. Where there are joint landlords, at least one of them must sign this Notice.
3. This notice must expire:
 - (a) on the last day of a period of the tenancy
 - (b) at least two months after this notice is given

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