

The Government in its infinite wisdom has recently decided to complicate the issuing of a Section 21 Notices, sometimes referred to as a '*no fault notice*'.

With the introduction of the Deregulation Act 2015, rather than simplifying matters (as the Act's title would suggest), the Government has actually introduced more complications and regulation.

In relation to a Section 21 Notice, there are now several different scenarios and landlord(s) or their agent need to ensure the correct Section 21 Notice and procedure is followed, otherwise any subsequent Possession Proceedings could be struck out of Court.

Each of the following requires a different Section 21 Notice/procedure:

1. Tenancies granted as 'periodic tenancies' from their commencement prior to 1st October 2015.
2. Fixed term tenancies granted prior 1st October 2015, which remain fixed term.
3. Fixed term tenancies granted prior to 1st October 2015, which have become periodic.
4. Tenancies granted as 'periodic tenancies' from their commencement post 1st October 2015.
5. Fixed term tenancies granted post 1st October 2015, which remain fixed term.
6. There will also be further changes in October 2018.

Important points to note about Section 21 Notices:**In relation to Tenancies granted prior to the 1st October 2015:**

- Landlords can still serve a Section 21 Notice at any time during the tenancy.
- There is no change to the form of the Section 21 Notices you use.
- There is no time-limit after which a Section 21 Notice expires.

For Tenancies commencing on or after 1st October 2015:

To enable a landlord or their agent to serve a Section 21 Notice, you must now also provide the following documents at the commencement of the tenancy:

- Gas Safety Certificate
- Energy Performance Certificate (EPC)

- The Government's 'How to rent: The checklist for renting in England' document, please see attached link, <https://www.gov.uk/government/publications/how-to-rent>

Extra Requirements:

- Landlords can only serve a Section 21 Notice after 4 months of tenancy commencing.
- The Section 21 Notice has to be in the new 'prescribed form' (available on our website)
- The Section 21 Notice will expire 6 months after service, if not relied upon.
- Any Health & Safety 'Improvement Notice' served by the Local Authority prevents a Section 21 Notice being served for 6 months.
- Any complaint in writing from the tenant about the condition of a property has to be responded to within 14 days. The landlord has to set out in his reply; what he intends to do and timescales for undertaking the work.

Deposits & Prescribed Information:

If the landlord has not registered a deposit in a Government approved Scheme within 30 days of receiving the money, the landlord cannot serve a Section 21 Notice, until they have returned the deposit monies to the tenant(s), regardless of any arrears.

As well as securing the deposit, the landlord must provide the tenant(s) with certain 'Prescribed Information' within 30 days of the deposit being received. If the landlord does not, they cannot serve a Section 21 Notice.

Contact Us

Please visit our website at www.legalhelpers.co.uk for more information. Alternatively, you may contact us:

Email: info@legalhelpers.co.uk

Phone: 0870 321 9865

Fax: 0870 321 9866

Post: Legalhelpers Limited, FREEPOST MID-23567, Stoke on Trent, ST1 5BR