

Your Legal Questions

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Q I let my property under an Assured Shorthold Tenancy to a tenant who has fallen into arrears of rent. What is the quickest way to obtain possession of the property?

A Assuming that the tenant is not prepared to voluntarily leave the property, you will need to obtain a Possession Order from the Court.

The first thing that you need to do is to serve notice on the tenant of your intention to seek possession and this will be in the form of a Notice under Section 8 of the Housing Act 1988. The notice is in a prescribed form and specifies the grounds why you seek possession of the property, and will set out details of the rent arrears. Possession proceedings can then be issued in your local County Court once a period of 14 days has passed after service of the notice on the tenant (which you will either serve by handing to the tenant or by inserting it through the letter box at the property).

There is a distinction to be drawn between situations where your tenant owes you more than the equivalent of 8 weeks rent both as at the date of service of the Section 8 Notice and as at the date of the Court hearing, and cases where less is owed. If more than 8 weeks rent is owed then provided that you can prove that the arrears exist, and that you have duly served the Section 8 Notice, then the Court must make an Order for Possession. If there are less than 8 weeks arrears then the Court may make an Order or Possession where it considers it reasonable to do so.

Any order for possession made by the court will normally take effect in 14 days but the tenant can be given up to 6 weeks from the date of the hearing if they can demonstrate to the Court that they would suffer exceptional hardship by having to leave the property any earlier.

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