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## Your Litigation Questions Answered

**Q** I currently have a lodger living with me in my property. He has his own bedroom but shares the use of the kitchen and bathroom with me. I would like him to move out of the property but he is refusing to do so. There is no written agreement in place and I would like to know what the procedure is for evicting him?

**A** A lodger who shares facilities with their landlord such as the kitchen, bathroom and other living accommodation has very few tenancy rights in comparison to that of an assured shorthold tenant. In the absence of a written agreement stipulating the required notice period, a lodger only has a right to remain in the accommodation until the landlord asks them to leave. This is subject to the landlord occupying the property as their main residence, and if this is the case, then the arrangement will fall under the definition of an excluded tenancy or licence under the Protection from Eviction Act 1977. In these circumstances, there is no requirement to

obtain a Court Order to evict the lodger. The landlord is legally required to give the lodger a reasonable period of notice in which to vacate the property. Although the legislation does not define what a reasonable notice period is, it is likely to be the length of a rental period e.g. one week if rent is paid weekly. The notice can be given verbally and if the lodger refuses to leave at the expiry of the notice period, then the landlord is entitled to change the locks. There is however an obligation on the landlord to take reasonable care of any items belonging to the lodger which are left in the property and further to make arrangements for the lodger to collect such belongings within a reasonable timescale.

With a wealth of experience in this area, please do not hesitate in contacting our Civil Litigation team on 01934 623502 or email [sgale@powellslaw.com](mailto:sgale@powellslaw.com) if you would like any further information regarding this subject matter