

## **Eviction advice September 2020**

**As you will all be aware there have been some changes in regards to the process and legalities around serving a tenant notice & eviction proceedings.**

If you have not issued proceedings yet, it is going to be a VERY long time before you actually recover possession - so your best option is really to think if there is another way of dealing with things. Eg. Mediation.

**It has been advised that the Courts are going to be prioritising cases involving anti-social behaviour and domestic violence first anyway along with claims for rent arrears, which pre-date COVID. Therefore, if your case does not fall within those categories you will have a long wait ahead of you.**

As of 29<sup>th</sup> August 2020 The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Amendment) (England) Regulations 2020 came into force in England. This act in part goes some way as to suspending certain parts of the Coronavirus Act 2020 which held the "new updated" eviction guidelines.

At present as it stands this will remain in place until March 2021.

The changes are as follows in relation to assured shorthold tenancies & serving a tenant with an eviction notice

**Section 21 – 6 months notice** in all cases. The period in which possession proceedings may be brought on a s.21 notice has been extended from 6 months from date of service to 10 months from date of service.

### **Section 8 grounds.**

Grounds 1-6 – 6 months notice

Ground 9 – 6 months notice

Grounds 12 or 13 – 6 months notice

Grounds 15 or 16 – 6 months notice

Ground 8, 10 or 11 where rent arrears are less than 6 months at the date service of notice – 6 months notice.

Ground 7 (after death of tenant) and/or 7B (notice of no right to rent), where no other notice is specified – 3 months notice.

Ground 7A (offence in locality, closure order etc.) – reverts to pre CA position, so 4 weeks notice for weekly tenancy or one month for monthly tenancy.

Grounds 8, 10 & 11, where no other ground is specified in the notice, and rent arrears at the time of service of the notice are not less than 6 months – 4 weeks notice.

Ground 14 (nuisance/annoyance/illegal purpose/indictable offence in locality)– no notice period

Grounds 14A (domestic violence and non perpetrator partner has left), 14ZA (indictable offence in riot) or 17 (tenancy granted on false representation) are specified in the notice, but no other grounds – two weeks notice

There will be a number of three month notices sent by post to tenants on Thursday 27 August and Friday 28 August which will now be invalid, as they would count as served on Tuesday 1 September. Any 3 month notice served by hand on Friday 28 August – at least before 4.30 pm – will be valid.

It should also be mentioned that licences and contractual tenancies were never caught by the Coronavirus Act changes, so notice periods remain as they always were. They were caught by the stay on possession claims, and will continue to be until 20 September 2020.

If an application for possession was made prior to 3 August 2020 and the landlord wishes to continue or resume proceedings they will need to notify the court and defendant in writing. This notification will be known as a 'reactivation notice'. Without a reactivation notice cases started prior to, or during lockdown, will not resume. Secondly, the landlord will be required to provide ahead of any hearing, or as part of the reactivation notice, any information relevant to the tenant's circumstances regarding Covid-19. For instance if they are aware that the household has been shielding, or is in some way vulnerable. Thirdly, if arrears is to be relied upon, it makes clear that landlords should produce evidence of the full arrears history in advance – not just at the hearing.

**However as the legislation and guidelines are constantly changing we do advise you to check the government website for the most up to date versions of these. This is best checked when you are at the point of seeking possession.**

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**Shelter advises the following: eviction and being asked to leave**

**Most tenants can't be evicted at the moment**

Evictions are paused during the coronavirus outbreak.

Court action for eviction is on hold until 20 September 2020.

Before this date:

- bailiffs won't evict you

- landlords can't get an eviction order

If your landlord has already applied to court your case will stay on hold. The courts start to deal with evictions again from 20 September.

There will be a backlog of cases and the eviction process takes time.