

Update to the Rules concerning the Termination of Residential Tenancies

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Most landlords and tenants will now be aware of the emergency legislation (the Coronavirus Act 2020) enacted by the UK Government at the start of the pandemic which came into effect on 27 March 2020.

As a result of the emergency legislation, with effect from 27 March 2020, the notice period a landlord must give to terminate a residential tenancy increased to 3 months. Prior to the emergency legislation, the required notice period was 2 months in the case of section 21 notices (which apply to ASTs where the fixed term has expired). The notice periods for terminating a residential tenancy using a fault-based or other ground vary.

If a tenant does not leave at the end of their notice period, a Court order must be obtained before they can be forced to leave. As a result of the same emergency legislation, with effect from 27 March 2020, all applications to the Court for an order requiring possession (so called “Possession Claims”) were suspended, the only exception being those involving trespassers.

A link to my previous article published on 14 May 2020 about the initial changes brought about by the Coronavirus Act 2020 can be found [here](#).

The suspension of Possession Claims was for an initial period of three months and was then extended to 23 August 2020. On 21 August 2020 the suspension was extended again to 20 September 2020. This brings the total period of protection to six months.

It is important to note that when the suspension is lifted, for possession claims issued at Court prior to 3 August 2020 and stayed in accordance with the suspension, the claim can only proceed if the landlord notifies the court and the tenant that the landlord still intends to seek possession based on the original claim. This includes section 21 cases. This is done by serving a “Reactivation Notice”; which must:

1. confirm that the party filing and serving the Reactivation Notice wishes the case to be listed, relisted, heard or referred; and
2. set out what knowledge that party has as to the effect of the Coronavirus pandemic on the Defendant and their dependents.

From 29 August 2020, landlords must provide at least six months’ notice to tenants in order to seek possession through the courts. This applies to both the private and social rented sectors in England and includes section 21 notices. This will last until March 2021.

There are some exceptions to this new requirement to give 6 months’ notice to terminate which are as follows:-

Ground for Possession	Notice Period
Antisocial behavior	4 weeks
Domestic Abuse	2-4 weeks
False Statement cases	2-4 weeks
6 months accumulated rent arrears	4 weeks

Breach of immigration rules (Right to Rent)

3 months

Unless a Landlord can satisfy a Court that they were entitled to rely on one of the above - it is 6 months' Notice and that will continue to be the case until March 2021.

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