

***This form has been changed to reflect new legislation which came into force on 29 August 2020 and should be used by landlords of housing in England.***

# **Part** **I** **Notice of Seeking Possession Housing Act 1985, section 83 (as modified by the Coronavirus Act 2020)**

This Notice is the first step towards requiring you to give up possession of your dwelling. You should read it very carefully.

1. To ………………………………………………………………………………………………………………………...[NAME(S) OF SECURE TENANT(S)]

* If you need advice about this Notice, and what you should do about it, take it as quickly as possible to a Citizens' Advice Bureau, a Housing Aid Centre, or a Law Centre, or to a Solicitor. You may be able to receive Legal Aid but this will depend on your personal circumstances.

1. …...……………………………………………………………………………………………………………………[NAME OF LANDLORD] intends to apply to the Court for an Order requiring you to give up possession of:   
     
   ……………………………………………………………………………………………………………………… [ADDRESS OF PROPERTY]

* If you are a secure tenant under the Housing Act 1985, you can only be required to leave your dwelling if your landlord obtains an order for possession from the Court. The order must be based on one of the Grounds which are set out in the 1985 Act (see paragraphs 3 and 4 below).
* If you are willing to give up possession without a Court order, you should notify the person who signed this Notice as soon as possible and say when you would leave.

1. Possession will be sought on Ground(s)...................................... of Schedule 2 to the Housing Act 1985, which reads: ……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………… [GIVE THE TEXT IN FULL OF EACH GROUND WHICH IS BEING RELIED ON]

* Whatever Grounds for possession are set out in paragraph 3 of this Notice, the Court may allow any of the other Grounds to be inserted at a later stage. If this is done, you will be told about it so that you can argue at the hearing in Court about the new Ground, as well as the Grounds set out in paragraph 3, if you want to.

1. Particulars of each Ground are as follows: ………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………...[GIVE A FULL EXPLANATION OF WHY EACH GROUND IS BEING RELIED UPON]

* Before the Court will grant an order on any of the Grounds 1 to 8 or 12 to 16, it must be satisfied that it is reasonable to require you to leave. This means that, if one of these Grounds is set out in paragraph 3 of this Notice, you will be able to argue at the hearing in Court that it is not reasonable that you should have to leave, even if you accept that the Ground applies.
* Before the Court grants an order on any of the Grounds 9 to 16, it must be satisfied that there will be suitable alternative accommodation for you when you have to leave. This means that the Court will have to decide that, in its opinion, there will be other accommodation which is reasonably suitable for the needs of you and your family, taking into particular account various factors such as the nearness of your place of work, and the sort of housing that other people with similar needs are offered. Your new home will have to be let to you on another secure tenancy or a private tenancy under the Rent Act of a kind that will give you similar security. There is no requirement for suitable alternative accommodation where Grounds 1 to 8 apply.
* If your landlord is not a local authority, and the local authority gives a certificate that it will provide you with suitable accommodation, the Court has to accept the certificate.
* One of the requirements of Ground 10A is that the landlord must have approval for the redevelopment scheme from the Secretary of State (or, in the case of a landlord of a property in England which is a private registered provider of social housing, from the Regulator of Social Housing). The landlord must have consulted all secure tenants affected by the proposed redevelopment scheme.

1. Cross out this paragraph if possession is being sought on Ground 2 of Schedule 2 to the Housing Act 1985 (whether or not possession is also sought on another Ground)

**The Court proceedings for possession of dwelling house will not be begun until after**   
  
…………………………………………………………………………………………………………………

[give the date after which Court proceedings can be brought]

* Court proceedings cannot be begun until after this date, which cannot be earlier than the relevant notice period from the date this Notice is served and also cannot be earlier than the date on which your tenancy or licence could be brought to an end by notice to quit given by the landlord on the same date as this Notice.
* The relevant notice period is—

(a) four weeks where any one or more of the following grounds is specified in the notice—

* 1. Ground 1 in Schedule 2 to the Housing Act 1985 and at the time the notice is served at least six months’ rent is unpaid, or
  2. Grounds 2ZA, 2A or 5 in Schedule 2 to that Act,

and no other ground is specified, and

(b) otherwise, six months.

* After the date in this paragraph, Court proceedings may be begun at once or at any time during the following 12 months. Once the 12 months are up, this Notice will lapse and a new Notice must be served before possession can be sought.

1. Cross out this paragraph if possession *not* being sought on Ground 2 of Schedule 2 to the Housing Act 1985

**Court proceedings for possession of the dwelling-house can be begun immediately**

The date by which the tenant is to give up possession of the dwelling-house is

…………………………………………………………………………………………………………………

[GIVE THE DATE BY WHICH THE TENANT IS TO GIVE UP POSSESSON OF THE DWELLING-HOUSE]

* Court proceedings may be begun at once or at any time during the following twelve months. Once the twelve months are up this Notice will lapse and a new notice must be served before possession can be sought.
* Possession of your dwelling-house cannot be obtained until after this date, which cannot be earlier than the date when your tenancy or licence could have been brought to an end. This means that if you have a weekly or fortnightly tenancy, there should be at least four weeks between the date this Notice is given and the date possession is ordered.

Signed...................................................

On behalf of............................................

Address..................................................

Tel No....................................................

Date......................................................