

# Fact Sheet

Notice Requiring Possession.  
often referred to as Notice To Quit  
(SECTION 21)

Coed Pella,  
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Colwyn Bay.  
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0300 1240050



## I have been served with a Notice. What does that mean?

If your Landlord has served you with a Notice it means they wish to regain possession of the property. The landlord cannot serve you with a notice if:

- You live in a house of multiple occupancy (HMO) and it is not licensed.
- If the landlord is not registered with Rent Smart Wales
- Landlord has not protect your deposit in a Deposit Protection Scheme (DPS) the deposit (in most cases) should be protected and the required information ('prescribed information') served on you within 30 days of your tenancy starting.
- If the landlord hasn't complied with the tenancy deposit scheme rules they cannot serve a valid section 21 notice until:
  - The deposit has been returned to the tenant (subject to any agreed deductions); or
  - The tenant has made a claim in the county court because the landlord hasn't complied with the tenancy deposit scheme rules and the court have made a decision on the claim
  - The claim has been withdrawn or it has been settled out of court by the landlord and tenant.
- A landlord can give a tenancy for a fixed period of less than 6 months and can serve a section 21 notice to end before the 6 months is up and can apply to the courts before the 6 months is up. However you have a right to occupy for a minimum of 6 months and possession cannot be awarded until you have occupied for a 6 month period.

## But I haven't done anything wrong!

Private Sector tenancies are usually Assured Shorthold Tenancies. The Landlord can usually seek possession without needing or proving any grounds. They have an 'Automatic right to possession' under section 21 of the Housing Act 1988.

## How much notice should my landlord give me?

**During a Fixed Term** - Usually a landlord can't use the section 21 notice procedure during the fixed term, but maybe able to if there is a 'break clause' in the tenancy agreement. If you have signed a tenancy agreement which lasts for a specific period of time (e.g. 6 months, 12 months) and the Landlord wishes to serve you Notice during that period, they must give you at least 2 months' Notice in writing and the 2 months must end on the last day of the fixed term but a possession order cannot take effect until 6 months from the start of the tenancy.

**After a Fixed Term** - If you have signed a tenancy agreement which lasted for a specific period of time (e.g. 6 months, 12 months) and the tenancy has expired, this is a periodic tenancy. If the period between rent payments is one week, it is a "weekly periodic tenancy". If the period is one month it is a "monthly periodic tenancy". To end this type of tenancy the Landlord must give you at least 2 months' notice in writing. There is no requirement that the notice ends on the last day of a tenancy period (unless it is a contractual periodic tenancy (periodic from the start with no fixed term)).

## Are the Homeless Prevention Team able to help?

Yes - We will advise you of your options and give advice on securing alternative, affordable accommodation. We will also check your notice is valid as above. If it appears not to be valid, we can contact your landlord to discuss.

## Are there any other services that can give me advice and support?

Yes – Our partner agencies can offer a range of advice and support. If you are already being supported by another service, including but not limited to: mental health services, social service, substance misuse services, they should be able to assist and support you.

**Shelter**  
Cymru

☎ 01792 469400

💻 [www.sheltercymru.org.uk](http://www.sheltercymru.org.uk)

📍 Unit 5, Station Bldg., Bodfor St, Rhyl LL18 1AT


**citizens  
advice**

☎ 0344 477 2020

💻 [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

📍 Eryl Wen, Eryl Place, Llandudno, Conwy LL30 2TX

**Rhentu  
Doeth  
Cymru**  
**Rent  
Smart  
Wales**



<https://www.rentsmart.gov.wales>

 **Dewis Cymru**  
Have choice and take control

Dewis Cymru is a place for information about well-being in Wales.

If you would like information that can help you think what matters to you, along with information about local organisations and services that can help, you can visit the Dewis Cymru website at [www.dewis.wales](http://www.dewis.wales)

This website will help you access local support services and find information and advice. It is a single, clear and reliable point of access

Mae'r ddogfen hon ar gael yn Gymraeg hefyd.

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