



## PROCEDURE FOR EVICTING A TENANT

You must follow the correct legal process in order to lawfully evict a tenant. The tenant's legal right to stay in the property is protected even if the tenant has damaged your property or hasn't paid rent. If you try to forcibly remove a tenant without a court order, you could be prosecuted for carrying out an illegal eviction.

### DO I NEED A REASON TO EVICT MY TENANTS?

**There is a fixed term tenancy agreement in place that has not yet expired.**

You must have a good reason to serve a Notice to Quit if there is a fixed term agreement in place. You may be able to serve a Notice to Quit if the tenant is in serious breach of the agreement or there is a clause in your tenancy agreement that allows you to end the term early.

**There is no fixed term in place and tenants are staying on a month by month basis.**

You do not need a reason to serve a Notice to Quit if your tenants are periodic and do not have a set tenancy term. Unless otherwise stated in a tenancy agreement, an initial tenancy is understood to run for a default period of 6 months, after which the tenant becomes periodic.

### SERVING A NOTICE TO QUIT

#### Length of notice period

The amount of notice you are legally required to give your tenants depends on how long they've lived in the property. The legal periods are:

- 4 weeks' notice if tenants have lived in property for less than 5 years
- 8 weeks' notice if tenants have lived in property for between 5 and 10 years
- 12 weeks' notice if tenants have lived in property for more than 10 years

#### Format of notice

Your notice to quit must be in writing. The notice period usually starts from the day on which the tenant is deemed to have received the letter. You should clearly state that the letter is an official Notice to Quit and include the date on which the tenants must vacate the property.

The court will only enforce the notice if it is in the right format.

### EXPIRY OF NOTICE

#### Tenants leave the property

Your tenants should vacate the property when the notice expires. You should inspect the property and arrange for the return of their security deposit.

#### Tenants do not leave the property

You will need to apply to the court for a possession order. If you have not done this before, you should seek legal advice from a solicitor. If the court is satisfied that you have done everything lawfully you will be granted an order for possession. If your tenants still do not leave you must apply to the Enforcement of Judgements' Office to have this order enforced. Only officers of the court can forcibly remove someone from a property.