

This factsheet looks at how an assured shorthold tenancy can be ended in Wales by a landlord using the procedure in section 21 of the Housing Act 1988

Have I got an AST?

The majority of people renting from private landlords in Wales have an assured shorthold tenancy (AST). Have a look at your tenancy agreement – it will usually say if it is an AST. If you don't have a written tenancy agreement, your tenancy started before 28th February 1997, or you are just not sure, get advice.

What is the s21 procedure?

Landlords must follow certain procedures if they want to end an AST. A landlord can choose to use the 's21 procedure' or the 's8 procedure', or, in some cases, they may choose to use both.

The s21 procedure is the most common way of ending an AST.

Your landlord does not need a reason to end your AST if they choose to use the s21 procedure, but they must make sure they give you a legally valid notice and, once this has ended, obtain a possession order from the county court.

What is a valid s21 notice?

A legally valid s21 notice must be in writing and give you at least two months notice. No special form is needed.

A landlord can give a s21 notice at any time, even at the start of the tenancy, but usually cannot evict you using this procedure during the fixed term or within the first 6 months of your tenancy, but there are exceptions, so seek advice if in doubt.

If you've never had a fixed term AST (eg: for 6 or 12 months) the notice must also:

- end on the last day of a period of your tenancy (usually the day before your rent is due), and
- say that it is being issued under s21 Housing Act 1988.

Some notices contain a 'saving clause', such as: 'Possession is required on (date) or if not valid, after the end of a period of the tenancy two months from the date of service of this notice.' These can be confusing and are only valid if you can fairly easily work out the date the notice ends.

Restrictions on giving s21 notices

A s21 notice will not be valid if:

- you paid a deposit at the start of the tenancy and your landlord has failed to protect it in one of the government approved deposit protection schemes (DPS), and/or you have not been provided with prescribed information about the scheme
- your landlord is not registered with [Rent Smart Wales](#) and/or is either not licensed or has not appointed a licensed agent. (Check if they are registered and licensed [here](#)).
- your landlord or letting agent charged you a banned letting fee after 1st September 2019 and has not repaid it you, or has failed to return a holding deposit which should have been repaid to you.
- you live in an HMO (House in Multiple Occupation) that the law says requires a licence (this will be the case if the property is at least 3 storeys high and contains 5 or more people) but your landlord has failed to get one.

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Information contained in this factsheet is correct at the time of publication. Please check details before use.

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Does my landlord need a court order?

Yes. Once the notice has ended, if you have not left the property, your landlord must apply to the county court for a possession order.

If the court is satisfied that your landlord has:

- given you a valid notice,
- protected any deposit,
- complied with the registration and licencing rules, and
- repaid any banned letting fee or holding deposit

then they must grant possession to the landlord.

A possession order usually takes effect in 14 days, but can be extended for up to 42 days if the court finds that you will suffer exceptional hardship by having to leave in 14 days. It is likely that you will also be ordered to pay court costs and legal fees.

If you are an AST being evicted from a property in England the law is different and you should contact [Shelter](#).

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For urgent advice call: 0345 075 5005

