



Evictions and overcrowding

Is your landlord forcing you to leave your home?

Your landlord is not allowed to bully you or make you feel unsafe.

Your eviction could be illegal.

You must tell us if your landlord is forcing you to leave your home.

There is a legal process your landlord must follow before they can evict you.

If your landlord wants you to leave their property, they usually serve you a notice.

Are you finding it hard to pay your rent or mortgage?

You could get money or support from cost-of-living funding. We will need to know more about your income, your household and if you claim welfare benefits.

If you claim housing benefits or universal credit, you could apply for a discretionary housing payment (DHP).

Have you received eviction notice or a possession order?

If your landlord wants you to leave their property, they usually serve you a notice.

The notice you should get depends on the kind of rental agreement you have with your landlord.

If you are a lodger, you could get a short notice period of only a week. Your landlord does not have to say why they want you to leave.

If you are a tenant, your landlord could try to evict you with a Section 21 notice or a Section 8 notice.

Section 21 notices mean the landlord wants their property back at the end of the agreed fixed term. Section 21 usually gives you at least two months' notice.

If you have broken the terms of your tenancy, you could get a Section 8 notice. Section 8 usually gives you between two weeks' to two months' notice.

Your landlord could also ask the court for a 'possession order'. You will have 14 days to leave. If you do not move out, bailiffs could force you to leave.

Don't want to move out?

If you are safe, and you are still in the notice period, do not leave the property straight away.

Depending on the reasons for your eviction, you could get help to stay in the property.

You must first make sure the notice is valid.

If your landlord does not follow certain procedures, their eviction notice could be invalid.

A Section 8 notice is served when the landlord believes there has been a breach of the tenancy. It is possible to challenge this at court.

A Section 21 notice is a 'no fault' notice. This means they do not need to give you a reason for the eviction. However, they must provide certain documents at the start of your tenancy.

What kind of help can we offer if you are being evicted?

We offer free advice on evictions. However, the help – and housing support – we can provide will depend on your circumstances.

Are you living with family or friends who have asked you to move out?

Tell us as soon as you can.

If it is safe, try to stay until you have somewhere else to live.

The help we can provide will depend on your needs. For example, we could help you discuss ways to stay.

We could also advise you on ways to find a home in the private rented sector. If you are eligible, we could help you to pay your deposit and one month's rent in advance after you find a new home.

Are you living in an overcrowded home?

The law tells us what to consider when we decide if a home is 'overcrowded'.

The occupants, the rooms, and the space in your home will help us determine if your home is legally defined as overcrowded.

Sources and references

For evictions advice, you can use our free online housing advice service

<https://enfield.adviceaid.uk/questions/choose-a-topic/5>

Advice from Shelter if you are asked to leave by family or friends

https://england.shelter.org.uk/housing_advice/homelessness/homeless_and_living_with_family_or_friends

'Private renting for tenants: evictions in England' (Gov UK) <https://www.gov.uk/private-renting-evictions/harassment-and-illegal-evictions>

Help you can get to pay your rent

<https://www.enfield.gov.uk/services/your-council/cost-of-living-support/help-with-housing-costs>

Discretionary housing payment (DHP)

<https://www.enfield.gov.uk/services/benefits-and-money-advice/discretionary-housing-payment>

For more about evictions because of rent arrears, check the Citizens Advice website

<https://www.citizensadvice.org.uk/debt-and-money/rent-arrears/eviction-for-rent-arrears-debt-and-money/>

You can get free legal advice from the Housing Loss Prevention Advice Service:

<https://www.gov.uk/guidance/legal-aid-for-possession-proceedings>

Overcrowding: Part X of the Housing Act 1985

<https://www.legislation.gov.uk/ukpga/1985/68/part/X>

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