Use this form when an assured shorthold tenant asks for advice or help because their landlord:

* has served notice, and
* is purporting to rely on section 21 of the Housing Act 1988.

This form gathers information that will help you decide whether the section 21 notice is valid and can be relied on to obtain a possession order.

Refer to the accompanying s.21 checker tool at:

markprichard.co.uk/documents/s21-validity-checker

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **SECTION 21 NOTICE INQUIRY RECORD** | | | | | | | | | | | | | | | | | | | | |
| **APPLICANT / CLIENT:** | | |  |  | | | | | | | | | | | | | | | | |
|  | **Name:** | ………………………………………………………………………………… | | | | | | | | | | | | | | | | | | |
|  | **Ref. No.** | …………………………… | | | | | | | | | | | | | | | | | | |
| **TENANCY SUMMARY** | | |  |  | | | | | | | | | | | | | | | | |
|  | **Date tenancy commenced:** | |  | / / | | | | | | | | | | | | | | | | |
|  | **Written agreement?** | |  | □ | Yes | | | | □ No (oral agreement) | | | | | | | | | | | |
|  | **Have we received a copy of the tenancy agreement?** | |  | □ | Yes | | | | □ | | No | |  | |  | | | | | |
|  | **Fixed term(s) or replacement tenancies since original tenancy?** | |  | □ | No | |  | |  | | | | | | | |  | | | |
|  |  | □ | Yes | |  | | Start:  End: | | | | | | | | / /  / / | | | |
|  |  | |  |  |  | |  | | **Copy received?** | | | | | | | | | | □ | Yes |
|  |  | |  |  |  | |  | |  | | | | | | | | | | □ | No |
|  |  | |  |  |  | |  | | Start:  End: | | | | | | | | / /  / / | | | |
|  |  | |  |  |  | |  | | **Copy received?** | | | | | | | | | | □ | Yes |
|  |  | |  |  |  | |  | |  | | | | | | | | | | □ | No |
|  | **Rent:** | |  | £ | | | | | | | | | | | | | | | | |
|  | **Rent payment period:** | |  | □ | | Weekly | | | | | □ | Calendar monthly | | | | | | | | |
|  |  | |  | □ | | Other (specify): | | | | | | | | | | | | | | |
|  | **Rent becomes due on:** | |  | ………………………………………………………………………………… | | | | | | | | | | | | | | | | |
|  |  | |  |  | | | | | |  | | | | | | | | | | |
| **NOTICE** | | |  |  | | | | | |  | | | | | | | | | | |
|  | **Form 6A used?** | |  | □ | | Yes | | | □ | | No | | | | | | | | | |
|  | **Date of notice:** | |  | / / | | | | | | | | | | | | | | | | |
|  | **Date given/served:** | |  | / / | | | | | | | | | | | | | | | | |
|  | **Served within 4 months of start of original tenancy?** | |  | □ | | Yes | | | □ | | No | | | | | | | | | |
|  | **Served more than 6 months ago?** | |  | □ | | Yes | | | □ | | No | | | | | | | | | |
|  | **Notice expiry date:** | |  | / / | | | | | | | | | | | | | | | | |
|  | **Was there at least 2 months between service and expiry?** | |  | □ | | Yes | | | □ | | No | | |  | | | |  | | |
|  | **Was the notice from the landlord and addressed to all tenants?** | |  | □ | | Yes | | | □ | | No | | | □ | | | | Don’t know /  inquiries required | | |
|  |  | |  |  | |  | | |  | |  | | |  | | | |
| **CERTIFICATES & ‘HOW TO RENT’ GUIDE** | | | | | | | | | | | | | | | | | | | | |
|  | **Received energy performance certificate before s21 given?** | |  | □ | Yes | | | □ | | No | | | □ | | | Don’t know /  inquiries required | | | | |
|  | **Received gas safety certificate in last 12 months?** | |  | □ | Yes | | | □ | | No | | | □ | | | Don’t know /  inquiries required | | | | |
|  | **Date gas safety certificate received?** | |  | / / | | | | | | | | |  | | |  | | | | |
|  | **Gas safety certificate received before tenant occupied premises?** | |  | □ | Yes | | | □ | | No | | | □ | | | Don’t know /  inquiries required | | | | |
|  | **Received ‘How to Rent’ guide?** | |  | □ | Yes | | | □ | | No | | | □ | | | Don’t know /  inquiries required | | | | |
|  | **Version of ‘How to Rent’ guide:** | |  | / / | | | | | | | | | | | | | | | | |
|  | **Replacement guide required?** | |  | □ | Yes | | | □ | | No | | | □ | | | Don’t know /  inquiries required | | | | |
|  | **‘How to Rent’ guide re-issued?** | |  | □ | Yes | | | □ | | No | | | □ | | | Don’t know /  inquiries required | | | | |
|  | **Guide received by email?** | |  | □ | Yes | | | □ | | No | | | □ | | | Don’t know /  inquiries required | | | | |
|  | **Consent given to receipt by email?** | |  | □ | Yes | | | □ | | No | | | □ | | | Don’t know /  inquiries required | | | | |

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| **RETALIATORY EVICTION** | | | | | | | | | |
|  | **Has the local authority served one of the following types of notice?**   * **improvement notice (Cat 1)** * **improvement notice (Cat 2)** * **emergency remedial action** |  | □ | Yes | □ | No | | □ | Don’t know /  inquiries required |
|  | **Date of enforcement notice:** |  | / / | | | | | | |
|  | **Does the s.21 notice constitute a retaliatory eviction under s.33 of the Deregulation Act 2015?** |  | □ | Yes | □ | No | | □ | Don’t know /  inquiries required |
|  | **Notes:** ……………………………………………………………………………………………………………………………………….  ……………………………………………………………………………………………………………………………………………………  …………………………………………………………………………………………………………………………………………………… | | | | | | | | |
| **HMO LICENSING** | | | | | | | | | |
|  | **Do the premises form part of an HMO that must be licensed?** |  | □ | Yes | □ | No | | □ | Don’t know /  inquiries required |
|  | **If yes, did the landlord have an HMO licence (or had they applied for a licence) when the s.21 notice was served?** |  | □ | Yes | □ | No | | □ | Don’t know /  inquiries required |
| **DEPOSIT** | | | | | | | | | |
|  | **Was a tenancy deposit paid?** |  | □ | Yes | □ | No | | (If no, go to next section) | |
|  | **Amount of deposit:** |  | £ | | | | | | |
|  | **Date landlord received money:** |  | / / | | | | | | |
|  | **Was the deposit protected in an authorised scheme?** |  | □ | Yes | □ | No | | □ | Don’t know /  inquiries required |
|  |  |  | Date protected: | | | | / / | | |
|  |  |  | Which scheme? | | | | …………………………………………….……… | | |
|  | **Was the deposit protected within 30 days of the landlord receiving the deposit money?** |  | □ | Yes | □ | No | |  |  |
|  | **When the s.21 notice was served, did any of the following apply:**   * **the landlord had returned the money in full, or** * **the deposit was returned with deductions agreed by the tenant, or** * **the tenant had applied to court under HA 2004 s.214 for repayment and/or compensation and the application had been decided, withdrawn or settled?** |  | □ | Yes | □ | No | | □ | Don’t know /  inquiries required |
|  |  | Notes: | | | | | | |
|  |  | …………………………………………………………………………………  …………………………………………………………………………………  …………………………………………………………………………………  …………………………………………………………………………………  ………………………………………………………………………………… | | | | | | |
|  | **Did a third party (‘relevant person’) pay the deposit?** |  | □ | Yes | Name: …………………………..……………………  Tel / email: ………………….……………………… | | | | |
|  |  |  | □ | No |  |  | |  |  |
|  | **Did the tenant (*and* the relevant person if applicable) receive a prescribed notice?** |  | □ | Yes | □ | No | | □ | Don’t know /  inquiries required |
|  | **Date prescribed information notice received by tenant(s):** |  | / / | | | | | □ | Don’t know /  inquiries required |
|  | **Date prescribed information notice received by relevant person (if applicable):** |  | / / | | | | | □ | Don’t know /  inquiries required |
|  | **Have we a copy of the information notice?** |  | □ | Yes | □ | No | |  |  |
|  | **Does PI notice include *all* the information required under Reg. 2, including for example, the circumstances when all or part of the deposit may be retained by the landlord, by reference to the terms of the tenancy?** |  | □ | Yes | □ | No | | □ | Don’t know /  inquiries required |

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| **TENANT FEES** | | | | | | | | | | |
|  | **Was an unauthorised payment received by the landlord?** | | |  | □ | Yes | □ | No | □ | Don’t know /  inquiries required |
|  |  | Examples include: | * Deposit exceeding 6 weeks’ rent. * Reference payment. * Inventory service payment. * Admin charge for setting up tenancy, renewal or check out. * Insurance payment. * Loan. | | | | | | | |
|  | **Notes:** ……………………………………………………………………………………………………………………………………….  …………………………………………………………………………………………………………………………………………………… | | | | | | | | | |
|  | ***(If applicable)* Was the prohibited payment returned (either in full, or in part with remainder offset against rent with the tenant’s consent) before the s.21 notice was given?** | | |  | □ | Yes | Date: / / | | | |
|  |  | □ | No | ………………………………………………………….  …………………………………………………………. | | | |
|  |  | □ | n/a |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **OTHER ISSUES** | | | | | | | | |
|  | **Has a new/replacement tenancy been agreed since the s.21 notice was served?** |  | □ | Yes | □ | No |  |  |
|  | **Are there any reasons why it might be inequitable for the landlord to rely on the s.21 notice, e.g. they formally agreed the notice had been ‘withdrawn’?** |  | □ | Yes | Details: …………………………………………….. | | | |
|  |  | □ | No | ………………………………………………………….  …………………………………………………………. | | | |