

# NOTICE ONLY PACK - PREVIEW

Jurisdiction: England

Notice Type: Section 8 Notice (Fault-Based) - England

## DOCUMENTS INCLUDED:

1. Section 8 Notice (Form 3)	Page 2
2. Service Instructions	Page 5
3. Service and Validity Checklist	Page 7

## WHAT YOU GET:

- \* Court-ready legal documents
- \* Professional service instructions
- \* Pre-service compliance checklist
- \* Next steps guidance
- \* Lifetime dashboard access
- \* Free regeneration anytime

## IMPORTANT: This is a PREVIEW ONLY

Complete purchase (£29.99) to download full unredacted documents.

All documents are editable and can be regenerated anytime.

## **NOTICE SEEKING POSSESSION**

**Notice of Intention to Begin Proceedings for Possession of a Property  
in England Let on an Assured Tenancy or an Assured Agricultural  
Occupancy**

**Form No. 3**

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**Housing Act 1988 section 8 (as amended)**

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## INFORMATION FOR THE TENANT

This notice tells you that your landlord intends to begin proceedings for possession of the property identified in section 2. **You should read it carefully and seek advice about your circumstances as quickly as possible.**

The earliest date on which possession proceedings can begin will depend on the ground(s) on which possession is sought and is given in section 5 of the notice.

If you are worried about this notice, and what you should do about it, take it immediately to **Citizens Advice, a housing advice centre, a law centre or a solicitor.**

If you are a debtor and you are in a 'breathing space', you should inform your debt advisor.

If you believe you are at risk of homelessness as a result of receiving this notice, you should contact your local authority for support.

Free independent advice is also available from Shelterline on **0808 800 4444** or via the Shelter website at:

<https://www.shelter.org.uk/>

Further information about this notice and the possession process can be found at:

<https://www.gov.uk/government/publications/understanding-the-possession-action-process-guidance-for-landlords-and-tenants>

1. To:

Jane Tenant

2. Your landlord / licensor intends to apply to the court for an order requiring you to give up possession of:

456 Tenant Road  
London  
E1 6AN

3. Your landlord / licensor intends to seek possession on ground(s):

**Ground 8**

in Schedule 2 to the Housing Act 1988 (as amended), which read(s):

*Give the full text (as set out in Schedule 2 of the Housing Act 1988 (as amended)) of each ground which is being relied on.*

**Ground 8: Serious rent arrears (at least 8 weeks or 2 months)**

*(Continue on a separate sheet if necessary.)*

4. Give a full explanation of why each ground is being relied on:

**Ground 8 particulars:**

Rent arrears at date of notice: £2400.00

Rent amount: £1200 (monthly)

Threshold for Ground 8: £2400.00 (2 months)

Ground 8 is a MANDATORY ground. If the arrears still meet the threshold at the date of the hearing, the court MUST grant possession.

*(Continue on a separate sheet if necessary.)*

5. The court proceedings will not begin earlier than:

**29 January 2025**

6. If your landlord / licensor does not apply to the court within a given timeframe this notice will lapse. The latest date for court proceedings to begin is **12 months** from the date of service of this notice, subject to any extension in accordance with the Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020.

7. Name and address of landlord, licensor or landlord's agent:

*(To be completed in full by the landlord, licensor, or, in the case of joint landlords / licensors, at least one of the joint landlords / licensors, or by someone authorised to give notice on the landlord's / licensor's behalf.)*

**Signed:** \_\_\_\_\_

**Name:**

John Landlord

**Address:**

123 Landlord Street  
London  
SW1A 1AA

**Telephone number:**

**Signed:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone number:** \_\_\_\_\_

**Capacity (please tick):**

landlord / licensor

joint landlord(s) / licensor(s)

landlord's / licensor's agent

**Date:**

15 January 2025

## Service Instructions

This notice must be properly served on the tenant(s) named in section 1. You may serve this notice by:

- **Hand delivery:** Delivering the notice to the tenant personally
- **Leaving at the property:** Leaving the notice at the property in a place where it is likely to come to the tenant's attention
- **First class post:** Posting it by first class post to the tenant's last known address (allow for postal delivery time)
- **Email or other electronic means:** Only if the tenancy agreement specifically permits service by email and you have prior written agreement from the tenant

**Record keeping:** Keep proof of service (e.g., photograph of hand delivery, postal receipt, copy of email). If proceedings are started, you may need to provide evidence of when and how the notice was served.

**Important:** The date in section 7 should be the date you serve the notice, not a future date.

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## Service and Validity Checklist

Before serving this notice, ensure you have satisfied all of the following requirements:

- The tenancy is an assured or assured shorthold tenancy under the Housing Act 1988
- All details in sections 1-7 are complete and accurate
- The ground(s) specified are applicable to your circumstances
- You have provided the full statutory text for each ground from Schedule 2 of the Housing Act 1988
- You have given a full explanation of why each ground applies (section 4)
- The notice period given (section 5) complies with the minimum required for the ground(s) relied upon
- If claiming rent arrears under Ground 8, at least two months' rent must be unpaid at both the date of service and the date proceedings are begun
- The notice is signed and dated

**After serving this notice:** You may apply to court for a possession order once the date in section 5 has passed, but you must do so within 12 months of serving the notice (subject to any extension under the Debt Respite Scheme).

**Seeking advice:** If you are unsure about any aspect of this notice or the possession process, seek independent legal advice.

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## Service Instructions for Section 8 Notice

**Property:** 456 Tenant Road  
London  
E1 6AN

**Tenant:** Jane Tenant

**Notice Type:** Section 8

**Service Date:** 15 January 2025

**Expiry Date:** 29 January 2025

**⚠ CRITICAL:** You must serve this notice correctly or it will be invalid. Incorrect service is the most common reason for court rejection.

## How to Serve This Notice

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Under the Housing Act 1988, you have several options for serving the notice. Choose the method that gives you the best evidence of service.

### RECOMMENDED METHOD: Hand Delivery

- **Hand-deliver through the letterbox** at the property
- **Date:** Deliver on or after 15 January 2025
- **Witness:** Take a witness with you who can confirm delivery
- **Evidence:** Take a photo of the letterbox with the notice visible (or being pushed through)
- **Time:** Note the exact time of delivery
- **Witness Statement:** Get your witness to sign a statement confirming what they saw

✓ **Why this is best:** Clear evidence of when and where the notice was delivered. If the tenant denies receiving it, you have photographic proof and witness testimony.

### Alternative Method 1: First Class Post

- **Send via Royal Mail First Class post**
- **Keep proof of postage receipt** (Royal Mail will provide this when you post)
- **Deemed served:** Notice is deemed served 2 days after posting (excluding Sundays and bank holidays)
- **Safety margin:** Add 2-3 extra days to your notice period if using this method

 **Note:** First class post is legally acceptable, but provides less certainty than hand delivery. The tenant can claim they never received it, and you'll only have proof of posting, not receipt.

## Alternative Method 2: Recorded Delivery

- **Send via Royal Mail Recorded Delivery**
- **Tracking:** You'll receive a tracking number
- **Proof of delivery:** Royal Mail provides proof when it's delivered
- **Signature required:** Someone must sign for it

⚠ **Risk:** If the tenant refuses to sign or doesn't answer the door, the notice may not be deemed served. Use this method only if you're confident the tenant will accept it.

✖ **NOT RECOMMENDED: Email or Text**

- **Do NOT email or text the notice** unless your tenancy agreement specifically allows electronic service
- Most tenancy agreements do NOT allow electronic service
- If you email/text and the tenancy doesn't allow it, your notice is invalid
- You'll waste time and money and have to start again

## Evidence You Must Keep

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If you go to court, you must **prove you served the notice correctly**. The court will ask for evidence. Keep the following:

### Service Evidence Checklist:

- ✓ Photo of notice being delivered (letterbox shot with notice visible)
- ✓ Witness statement (name, address, what they saw, signature)
- ✓ Proof of postage (if posted)
- ✓ Recorded delivery receipt (if used)
- ✓ Copy of the notice you served (this exact document)
- ✓ Date and time of service (written down immediately)
- ✓ Any correspondence with tenant acknowledging receipt

**Witness Statement Template:**

"I, [Witness Name], of [Witness Address], confirm that on [Date] at [Time], I witnessed [Your Name] hand-deliver a notice through the letterbox at [Property Address]. The notice was fully inserted into the letterbox and dropped inside the property. [Signature] [Date]"

## What Happens After Service?

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### Waiting Period

After serving the notice, you must wait until the expiry date: **29 January 2025**

- The tenant does NOT have to leave immediately
- They have until the expiry date to leave voluntarily
- During this period, they should continue paying rent
- You cannot change the locks or force them out (this is illegal)

### If They Leave Voluntarily

If the tenant leaves before or on the expiry date:

- ✓ Great! You've avoided court proceedings
- ✓ Do a final inspection with them present (if possible)

- ✓ Complete the check-out inventory
- ✓ Return their deposit within 10 days (if protected)
- ✓ Settle any disputes about deductions

## If They Don't Leave

If the tenant is still in the property after **29 January 2025**:

- **DO NOT** change the locks (illegal eviction - you could face criminal charges)
- **DO NOT** remove their belongings (illegal)
- **DO NOT** harass them or cut off utilities (illegal)
- **DO** apply to court for a possession order

 **Court Application:** You'll need to use Form N5 (standard possession claim). If you purchased the Complete Pack, these forms are included. Otherwise, you'll need to upgrade or obtain them separately.

## Common Mistakes to Avoid

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- **✗** Serving the notice too early (before arrears reach required level for your ground)
- **✗** Getting the expiry date wrong (too short or not aligned with rent period)
- **✗** Not keeping evidence of service
- **✗** Serving by email when the tenancy doesn't allow it
- **✗** Changing locks before getting a court order (illegal eviction)
- **✗** Missing compliance requirements (gas cert, EPC, How to Rent, etc.)

## Legal Basis

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**Service Requirements:** Housing Act 1988, Section 8

**Proof of Service:** Civil Procedure Rules, Part 6

**Illegal Eviction:** Protection from Eviction Act 1977

**Important:** This is guidance only and does not constitute legal advice. If you're unsure about any step, consult a solicitor or legal advisor.

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## **Section 8 Notice - Service and Validity Checklist**

**Purpose:** Use this checklist to verify your Section 8 notice was served correctly and meets all validity requirements. Keep this checklist with your evidence file.

## Notice Details

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Landlord: John Landlord

Landlord Address: 123 Landlord Street  
London  
SW1A 1AA

Tenant: Jane Tenant

Property Address: 456 Tenant Road  
London  
E1 6AN

Tenancy Start Date: 1 January 2023

Notice Service Date: 15 January 2025

Earliest Possession Date: 29 January 2025

Grounds: 8

## Service Evidence Checklist

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**Confirm you have collected and retained the following evidence of service:**

- Original signed Section 8 notice (Form 3)
- Copy of the notice served to tenant
- Date and time of service recorded
- Method of service documented (hand delivery / first class post / recorded delivery)
- Proof of service:
  - If hand delivered: Photo of letterbox with notice visible, witness statement
  - If posted: Proof of postage receipt from Royal Mail
  - If recorded delivery: Tracking number and delivery confirmation
- Witness details recorded (name, address, signature) if applicable
- Any correspondence from tenant acknowledging receipt

**Keep All Evidence:** You must prove service in court. Without clear evidence, your claim may be dismissed even if the notice is otherwise valid.

## **Validity Requirements (Housing Act 1988, Section 8)**

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**Verify your notice meets these validity requirements:**

- Notice uses correct form (Form 3 or substantially similar)
- All mandatory fields completed (landlord name/address, tenant name, property address)
- Ground(s) for possession clearly stated with particulars
- Notice period is sufficient for the grounds claimed:
  - Grounds 1, 2, 5-7, 9, 16: Two weeks notice minimum
  - Ground 8 (serious rent arrears): Two weeks notice minimum
  - Ground 14 (ASB), Ground 14A (serious ASB): Immediate notice possible if not periodic
  - Other grounds: Two months notice minimum
- Periodic tenancy: Notice period calculated correctly from rent payment date
- Notice signed and dated by landlord or landlord's agent
- Mandatory ground claimed: Court must grant possession if ground is proven (Grounds 1-8)

## After Service

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### Post-service actions:

- Wait until possession date has passed: **29 January 2025**
- Do not change locks or remove tenant belongings (illegal eviction)
- Do not harass tenant or cut off utilities
- If tenant remains after possession date, apply to court using Form N5 or N5B
- Keep proof of service readily accessible for court

**Legal Basis:** Housing Act 1988, Section 8 and Schedule 2

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