

Form 3A: Receiving the notice seeking possession – guidance for tenants

This guidance is advisory. It explains your rights when a landlord wants to begin the process of taking back a property. This process is also called seeking possession.

A landlord starts the process of seeking possession by giving you a notice of possession. This notice is called Form 3A: Notice seeking possession of a property let on an assured tenancy or an assured agricultural occupancy in the private rented sector.

It applies to privately rented properties in England that are:

- let under an assured tenancy; or
- let under an assured agricultural occupancy

What Form 3A means for you

Giving you this notice is the first formal step your landlord must take if they want to take back possession of your home.

Receiving this notice **does not mean you have to leave your home right away**. If you do not leave by the day before the date specified in the possession notice in question 2.1, your landlord will be able to apply to the court for a possession order. If the court grants the order, it may require you to leave.

What to do when you receive the notice

If you do not want to leave, contact your landlord as soon as possible to see if the issue can be resolved without going to court. You may be able to reach an agreement without legal action.

Why your landlord wants possession

The legal reasons (called 'grounds') your landlord is using to seek possession, and your landlord's explanation for using them, will be in the notice of possession.

The ground(s) your landlord uses will either be mandatory or discretionary.

Mandatory grounds (grounds 1 to 8)

If the court decides that your landlord's notice seeking possession is valid and at least one mandatory ground has been proven, the court must give a possession order for the property to your landlord. This means the court has decided your landlord has the right to take back the property. The order will give a date by when the court expects you to leave.

In cases of exceptional hardship, the court can delay the date by up to 6 weeks after the date of the order. Exceptional hardship could include, for example, situations where you or your family need a short amount of extra time because of significant personal circumstances, such as illness or disability.

If you do not leave by the date in the possession order, your landlord must apply to the court for a warrant of possession to evict you.

Discretionary grounds (grounds 9 to 18)

If the court agrees that the conditions of a discretionary ground have been met, possession of the property can only be granted to your landlord if the court considers it reasonable in the circumstances.

If the court does think it is reasonable, it might:

- issue an outright possession order, which tells you to leave the property
- issue a suspended possession order, which means you can stay if you follow certain conditions

Notice periods and what happens next

Your landlord must give you a notice period before they can apply to the court for possession of the property. The length of the notice period depends on the ground they are using.

The notice periods for the grounds are set out below.

Notice periods

Four-month notice period

Grounds 1, 1A, 1B, 2, 2ZA, 2ZB, 2ZC, 2ZD, 4A, 6, 6A, 6B

- notice period: four months beginning with the date the notice was served on you

Two-month notice period

Grounds 5, 5A, 5B, 5C, 5D, 5H, 7, 9

- notice period: two months beginning with the date the notice was served on you

Four-week notice period

Grounds 5E, 5F, 5G, 8, 10, 11, 18

- notice period: four weeks beginning with the date the notice was served on you

Two-week notice period

Grounds 4, 7B, 12, 13, 14ZA, 14A, 15, 17

- notice period: two weeks beginning with the date the notice was served on you

No notice period

Grounds 7A, 14

- your landlord can apply to the court immediately after serving the notice

You do not have to leave your home when the notice period ends.

After the notice period ends, your landlord will be able to apply to the court for a possession order. The earliest date your landlord will be able to do this is shown in Form 3A (the notice seeking possession) in question 2.1.

How long the notice is valid

A notice seeking possession is usually valid for 12 months from the date it was given to you. This means that your landlord can apply to the court for a possession order any time between the day after the end of the notice period and 12 months from the date the notice of possession was given.

If your landlord is seeking possession because you owe rent, and the rent you owe (rent arrears) is included in a breathing space, the time in which your landlord can apply to start possession proceedings may be extended. More information on breathing space can be found in 'If you are in a breathing space' section in this guidance.

If your landlord starts court action

You will be notified if your landlord has started possession proceedings and you will have the chance to respond and defend the claim in court.

New rules landlords must follow

Under the Housing Act 1988, which has been amended by the Renters' Rights Act 2025, landlords and agents must follow new rules when seeking possession of a property. These rules are designed to protect you from unfair or misleading practices.

Landlords can be given a financial penalty of up to £7,000 if they do any of the following:

- say the tenancy is a fixed term when it should be a rolling tenancy, for example, by adding an end date
- try to end the tenancy verbally
- tell you that the tenancy must be ended verbally
- try to end the tenancy by using a notice to quit or a purported notice of possession – this means a written document that claims to end your tenancy or start possession proceedings, but does not meet the legal requirements to be a valid notice
- fail to give you prior written warning that they might use certain grounds (grounds 2ZA to 2ZD, 4, 4A, 5, 5A, 5C, 5E, 5F, 5G, or 18) where this is required by law
- use a possession ground when they do not reasonably believe the court would grant possession on that ground, and you moved out within 4 months, beginning with the date that the possession ground was used, without the court making a possession order

Landlords can be prosecuted and fined or given a financial penalty of up to £40,000 instead of being prosecuted if they:

- relet or advertise to let the property again within the restricted period after using the grounds 1 or 1A, unless an exception applies. If someone other than your landlord marketed the property to relet it within the restricted period, they could have a defence if they can show that they took all reasonable steps to avoid doing it
- knowingly use a ground for possession when they know the court would not grant possession, or are reckless about that, and you left within 4 months of the ground being used without any possession order being made

What this means for you

If you think your landlord has broken these rules, get advice as soon as possible.

For more information about your landlord's obligations, visit: [Enforcement of the new tenancy system under the Renters' Rights Act 2025 - GOV.UK](#)

Where to get help and advice

If you are at risk of losing your home, help is available.

Contact your local council

If you are in danger of becoming homeless, contact your local council as soon as possible for support.

Contact details for your local council can be found using the [find your local council tool](#).

Get free legal advice

Housing Loss Prevention Advice Service (HLPAS)

HLPAS provides free, independent advice to anyone facing the loss of their home.

A housing law expert can:

- help you understand your options and the next steps
- advise on related issues like owing rent, housing disrepair, benefits and debt
- represent you in court if needed

Further information on HLPAS can be found in the [legal aid for possession proceedings guidance](#).

Civil Legal Advice (CLA)

You can contact Civil Legal Advice (CLA) who may be able to direct you to legal advice on housing.

More information can be found on the [Civil Legal Advice website](#).

You can phone them on 0345 345 4345 (Monday to Friday: from 9am to 8pm, Saturday: from 9am to 12:30pm).

You can text 'legallaid' and your name to 80010 to ask CLA to call you back. It costs the same as a normal text message.

Other sources of free advice

- Shelter: Call 0808 800 4444, or use [their webchat service](#)
- Citizens Advice: Call 03444 111 444 or [chat with an Adviser online](#)

Find a housing solicitor

- You can search for a housing solicitor near you by entering your postcode and selecting 'Housing' from the list of options on the [find legal advice webpage](#)

If you have rent arrears or other debts

If you're experiencing problem debt, including rent arrears, you can speak to a professional debt adviser for help. Your local council may be able to refer you, or you can access guidance on finding a free debt advisor through the [Money Helper website](#) or over the phone on 0800 138 777.

If you are in a 'breathing space'

The Breathing Space Scheme provides people in problem debt with a temporary pause on creditor enforcement action to give them space to speak to a debt adviser about how to address their debts. A standard breathing space lasts up to 60 days.

During a breathing space, a landlord cannot serve a notice to take possession of a property on the grounds of rent arrears (due up until the start of the breathing space); or take possession of a property where they have served a notice prior to the start of the breathing space.

If your landlord served a valid notice of possession on you before the breathing space started, the notice may therefore remain valid for longer than 12 months. The notice will be extended by another 8 weeks from the date that the breathing space ends if either:

- the notice is more than 12 months old when the breathing space ends
- your landlord has fewer than 8 weeks left to start possession proceedings when the breathing space ends

Breathing space is not a payment holiday and you should still pay ongoing liabilities, including ongoing rent payments, as they fall due. Once your breathing space comes to an end, your landlord will be notified and can continue or begin any enforcement action, including legal proceedings, on the rent owed.

If you are already in a breathing space:

- tell your debt advice provider immediately if you receive a notice seeking possession of your home
- if you were given the notice because you owe rent (rent arrears - grounds 8, 10 or 11), your landlord may not be allowed to rely on it whilst you are in a breathing space and your adviser can take the appropriate steps

Even if the notice is for other reasons, you should still show your debt adviser the notice to notify them of the change in your circumstances.

More information can be found in the [Debt Respite Scheme \(breathing space\) guidance](#).