

What kind of tenancy do you have?

Tenancy law can be complicated. The rules vary depending on what kind of tenancy you have. To get to the sections that apply to you, ask yourself the following questions. If the answer to any is 'No' just skip the text and go to the next question.

Q.1. Did your current or previous tenancy start before 15 January 1989?

Most tenancies created before this date are of a type known as regulated tenancies. You may also be a regulated tenant if your previous tenancy began before 15 January 1989, and you have since moved to other accommodation owned by the same landlord or his successor in title. Special rules apply to regulated tenancies. To learn more about them and other private rented tenancies see Shelter's website:

http://england.shelter.org.uk/get_advice/private_renting/private_renting_agreements/regulated_tenancies

Q.2. Do you live in tied agricultural accommodation?

If you are an agricultural work, a retired or redundant or former agricultural worker or a farm worker's widow or widower, and you live in tied accommodation, you may be entitled to tenancy rights similar to those enjoyed by regulated tenants. If your tenancy began after 15 January 1989, you may have rights similar to those of an assured tenant. For further information please contact the Private Housing Section on [01480 388237](tel:01480388237).

A qualifying agricultural tenant may also have rights to be rehoused if the local council is satisfied that the farmer needs the property to house an incoming worker. Please contact the Housing Advice Officer on [01480 388225](tel:01480388225).

Q.3. Do you live in a block converted into flats and your landlord lives in another flat in the same block, but you do not share accommodation with the landlord or a member of his family?

If this describes your letting you are probably a licensee. This means that you have not got a tenancy but a 'licence' (permission) to occupy. You still have certain rights. If your licence is for a fixed term it ends when the fixed term runs out. If it is periodic – that is, runs from week to week or month to month – you are entitled to at least four weeks' notice. Notice must be in writing and in prescribed form. At the end of the notice period your landlord has a contractual right to possession, but he will need to obtain a possession order from the court before he can legally evict you.

Q.4. Does your landlord provide you with substantial services such as meals, but he (or members of his family) does not share any accommodation with you?

In this case you are probably not a tenant but a licensee. This means your landlord has given you permission to occupy. If your agreement (written or verbal) is for a fixed term (which means the landlord has told you it will end on a certain date), then the licence ends on that date. If the licence is periodic (which means it runs from week to week or month to month) your landlord must serve written notice in prescribed form. In either case you cannot be evicted unless the landlord has obtained an order for possession from the court.

Q.5. Do you share living accommodation with another person not of your choosing but do not share any accommodation with your landlord or a member of his family?

In this case you are not a tenant but a licensee. This means your landlord has given you permission to occupy. If your agreement (which may be written or verbal) is for a fixed term (which means the landlord has told you it will end on a certain date, then the licence ends on that date. If the licence is periodic (which means it runs from week to week or month to month) your landlord must serve written notice in prescribed form. In either case you cannot be evicted unless the landlord has obtained an order for possession from the court.

Q.6. Do you share accommodation with your landlord or a member of your landlord's family?

If this describes your case you may have an excluded tenancy or licence. To qualify as excluded the landlord or family member must have been living in the accommodation immediately before both the beginning and end of the tenancy and it must be the landlord's or family member's only or main home. If only the family member shares accommodation with you, the landlord must live in another part of the same building and this must be his only or main home.

If not all of these conditions are met you may be an assured or assured shorthold tenant and enjoy a higher level of protection than an excluded tenant. (See Q.7. and Q.8.). For further advice please contact the Private Housing Section on [01480 388237](tel:01480388237) or your local [Citizens Advice Bureau](#) or a solicitor.

Q.7. Did your tenancy start before February 28, 1997?

If your tenancy began before this date and you have answered 'No' to each of the questions above, you are almost certainly an assured or assured shorthold tenant. Which of the two you are will depend on whether your landlord issued you with a "Section 20 Notice". If you were not issued with this notice at the time that you signed your tenancy agreement your tenancy is assured. If you were issued with a Section 20 notice, go on to Q.8.

Assured tenancies may be for a fixed term or periodic. A periodic tenancy does not run for a stated period but indefinitely from week to week or month to month. A fixed term assured finishes at the end of the agreed period unless you and the landlord agree another fixed term or agree to let the tenancy run on, in which case it becomes statutory periodic assured tenancy.

Periodic assured tenancies can only be ended by the issue of a special notice called a "Notice of Intention of Seek Possession". The notice must state which of 17 grounds for possession the landlord intends to use. There are a limited number of grounds your landlord may use if he seeks possession during the fixed term.

Whether the tenancy is fixed term or periodic you have a right to remain in the property unless the landlord has proved to a court that he has appropriate grounds.

Q.8. Were you issued with a Section 20 notice OR did your tenancy begin on or after February 28, 1997?

If your tenancy began on or after this date (or you were issued with a Section 20 notice – see Q.7.) and you have answered 'No' to the questions above, you are almost certainly an assured shorthold tenant.

If you think you have an assured tenancy you can find out more information about this type of tenancy at:

http://england.shelter.org.uk/get_advice/private_renting/private_renting_agreements/assured_tenancies

If you're not sure what type of tenancy you have, the tenancy checker on Shelter's website will help you work this out:

http://england.shelter.org.uk/get_advice/downloads_and_tools/tenancy_checker