



A Guide for Landlords on Ending a Tenancy

Section 8 Possession Grounds Explained: A Complete Guide for Letting Agents in the Post-Section 21 Era

The New Reality of Property Possession

The abolition of Section 21 has fundamentally altered the way landlords recover possession of residential properties in England. Under the Renters' Rights Act, landlords can no longer rely on "no-fault" evictions and must instead follow the Section 8 process, using one or more legally recognised grounds for possession.

For agents, this is much more than a procedural adjustment. It marks a significant shift towards evidence-based tenancy management. Possession claims that once depended on notice service alone must now be supported by clear reasoning, accurate documentation, and strict compliance with legal requirements.

As a result, successful possession cases increasingly depend on preparation throughout the tenancy rather than actions taken at the end of it.

Why Section 8 Knowledge Now Matters More Than Ever

In the past, landlords could often regain possession without proving tenant fault or providing a detailed justification. That route is no longer available.

Today, every possession claim must answer three critical questions:

- Does a valid legal ground apply?
- Can the landlord prove that ground?
- Has the correct notice period been served?

If any of those elements are missing, the claim may be delayed, challenged, or dismissed altogether.

This places a greater emphasis on:

- Record keeping
- Tenancy monitoring
- Rent tracking
- Inspection reports
- Communication records
- Compliance procedures

The agencies that adapt quickly are likely to experience fewer possession-related disputes and smoother legal outcomes.

Understanding the Two Categories of Section 8 Grounds

Every Section 8 possession ground falls into one of two categories.

Mandatory Grounds

Where a mandatory ground is successfully proven, the court is generally required to grant possession.

These grounds usually involve more objective circumstances, such as serious rent arrears, a landlord needing to move into the property, or plans to sell.

Discretionary Grounds

Discretionary grounds give the court greater flexibility.

Even if the ground exists, a judge must decide whether granting possession would be reasonable in the circumstances.

For that reason, the quality of evidence becomes particularly important when relying on discretionary grounds.

In many cases, landlords may choose to rely on multiple grounds simultaneously in order to strengthen their position.

Mandatory Possession Grounds

Ground 1: Owner Occupation

A landlord may recover possession if they, or a qualifying family member, genuinely intend to make the property their primary residence.

Typical Examples

- Returning to live in the UK after working abroad
- Moving into the property following a separation or divorce
- Providing accommodation for a dependent relative

Supporting Evidence

- Written confirmation of occupation plans
- Evidence of changing personal circumstances
- Any required notices provided at the start of the tenancy

Notice Required

Four months

Ground 1A: Property Sale

This ground allows possession where the landlord intends to sell the property.

Common Reasons

- Leaving the rental sector
- Releasing equity
- Restructuring an investment portfolio
- Responding to financial pressures

Supporting Evidence

- Estate agency instructions
- Marketing agreements
- Property listings
- Other documentation demonstrating genuine intent to sell

Notice Required

Four months

Ground 2: Mortgage Lender Repossession

Mortgage lenders can seek possession where the landlord has defaulted on mortgage obligations.

Typical Circumstances

- Mortgage arrears
- Repossession proceedings by a lender

Evidence Requirements

The tenant must have been informed that this ground could potentially be used.

Notice Required

Four months

Grounds 2ZA to 2ZD: Expiry of a Superior Lease

These grounds apply where a superior landlord requires possession following the end of a lease arrangement.

Examples

- A freeholder requiring vacant possession
- Redevelopment of a block
- Expiry of a head lease

Required Evidence

- Superior landlord notices
- Legal documentation confirming rights
- Evidence demonstrating the need for possession

Notice Required

Four months

Ground 4: University and College Accommodation

Educational institutions may recover possession of student accommodation to house future students.

Examples

- End of an academic year
- Student withdrawal from studies

Evidence Requirements

- Established student letting history
- Alignment with academic timetables

Notice Required

Two weeks

Ground 4A: Private Student Accommodation

Private landlords operating dedicated student accommodation may also seek possession to prepare for incoming student tenants.

Evidence Requirements

- Proven student letting arrangements
- Academic-year occupancy patterns

Notice Required

Four months

Ground 5: Accommodation for a Minister of Religion

Religious organisations can regain possession where housing is needed for an incoming minister.

Typical Properties

- Church-owned housing
- Mosque-owned accommodation

- Other faith-based residences

Notice Required

Two months

Ground 6: Major Redevelopment Works

Possession may be granted where substantial building works cannot reasonably be completed with occupants remaining in the property.

Examples

- Structural alterations
- Significant refurbishment projects
- Property reconfiguration
- Conversion works

Evidence Requirements

- Detailed plans
- Evidence of intended works
- Proof that occupation prevents completion

Notice Required

Four months

Ground 7: Death of a Tenant

Where a tenant dies and the tenancy cannot legally pass to another occupier, possession may be sought.

Key Conditions

- No qualifying successor exists
- Notice is served within the prescribed time limits

Notice Required

Two months

Ground 7A: Serious Anti-Social Behaviour

This mandatory ground applies where serious criminal or anti-social behaviour has been formally established.

Examples

- Criminal convictions
- Breaches of criminal behaviour orders
- Closure orders imposed by public authorities

Evidence Requirements

- Court findings
- Convictions
- Relevant legal orders

Notice Required

Two weeks

Court proceedings can begin immediately after notice is served.

Ground 7B: No Right to Rent

This applies when the Secretary of State confirms that a tenant is disqualified from renting under immigration legislation.

Evidence Required

- Official notice from the Secretary of State

Notice Required

Two weeks

Ground 8: Serious Rent Arrears

Ground 8 remains one of the most important mandatory grounds available to landlords.

Circumstances

- Three months' rent owed for monthly tenancies
- Thirteen weeks' rent owed for weekly or fortnightly tenancies

Required Evidence

- Rent statements
- Arrears schedules
- Evidence that benefit payment delays are not causing the arrears

Important Limitation

If the arrears are cleared before court proceedings conclude, this ground may no longer succeed.

Notice Required

Four weeks

Discretionary Possession Grounds

Unlike mandatory grounds, these require the court to assess the overall circumstances before making a decision.

Ground 9: Suitable Alternative Accommodation

Possession may be granted where appropriate replacement accommodation is available.

Examples

- Redevelopment schemes
- Transfers within a landlord's portfolio
- Alternative housing arrangements

Notice Required

Two months

Ground 10: Rent Arrears Below Ground 8 Threshold

Tenants who owe rent but do not meet Ground 8's mandatory threshold may still face possession proceedings.

Evidence

- Rent schedules
- Payment records
- Arrears calculations

Notice Required

Four weeks

Ground 11: Persistent Late Rent Payments

This ground addresses habitual late payers, even where no current arrears exist.

Examples

- Repeated delayed payments
- Frequent last-minute rent settlement
- Continual disruption to cash flow

Notice Required

Four weeks

Ground 12: Breach of Tenancy Terms

A landlord may rely on Ground 12 when a tenant breaches obligations contained in the tenancy agreement.

Common Examples

- Unauthorised pets
- Unapproved subletting
- Smoking in prohibited areas
- Failure to maintain the garden

Notice Required

Two weeks

Ground 13: Deterioration of the Property

This ground concerns damage or neglect resulting in a decline in the property's condition.

Examples

- Excessive damage
- Mould caused by avoidable occupier behaviour
- Failure to take reasonable care of the property

Notice Required

Two weeks

Ground 14: Anti-Social Behaviour

Ground 14 addresses conduct that affects neighbours, communities, or other residents.

Examples

- Persistent noise nuisance
- Threatening behaviour
- Illegal drug activity
- Harassment of neighbours

Notice Required

No minimum waiting period applies.

Court proceedings can begin immediately.

Ground 14A: Domestic Abuse Cases

Used primarily by social landlords where domestic abuse has caused one occupier to leave while the perpetrator remains.

Notice Required

Two weeks

Ground 14ZA: Riot-Related Convictions

This ground applies to individuals convicted of criminal offences connected to rioting.

Notice Required

Two weeks

Ground 15: Damage to Furnishings

Available where furniture supplied with a tenancy has been damaged through deliberate or negligent actions.

Evidence

- Inventories
- Photographs
- Repair invoices

Notice Required

Two weeks

Ground 17: False Information Provided by the Tenant

Possession may be sought where the tenancy was obtained through dishonesty.

Examples

- Fake references
- Misrepresented income
- False employment details
- Concealed adverse information

Evidence Requirements

The landlord must demonstrate both that the information was false and that it influenced the decision to grant the tenancy.

Notice Required

Two weeks

What Letting Agents Should Be Doing Now

The move away from Section 21 means possession can no longer be treated as a simple end-of-tenancy administrative exercise.

To remain compliant and protect landlord interests, agencies should focus on five priorities:

Review Documentation

Ensure tenancy agreements reflect current legislative requirements and operational practices.

Train Staff Thoroughly

Property managers should understand when each possession ground applies and the evidence needed to support it.

Improve Record Keeping

Detailed records of inspections, rent payments, complaints, and communications can become critical evidence later.

Take a More Proactive Approach

Regular engagement with tenants allows issues to be identified and addressed before they develop into possession cases.

Set Realistic Expectations

Landlords should understand that possession proceedings are now more evidence-driven and may take longer than under the former Section 21 process.

Final Thoughts

The possession landscape has changed permanently. The end of Section 21 means every repossession case must now be built upon a clear legal foundation, supported by evidence and managed with procedural accuracy.

For letting agents, success in the post-Renters' Rights Act environment will depend on robust systems, careful tenancy management, and a thorough understanding of both mandatory and discretionary Section 8 grounds. Agencies that invest in training, compliance, and documentation today will be best positioned to navigate possession claims effectively in the years ahead.