

AST (Assured Shorthold Tenancy):-

- the rental property is private
- the tenancy started on or after 15 January 1989
- the property is the tenants main accommodation
- the landlord doesn't live in the property

Types of AST (Assured Shorthold Tenancy):-

Generally, an AST will be issued for a 6 month term. Let's say the AST starts February 10th, then it will finish August 9th.

During this time, the AST is known as a Fixed Term AST, i.e., the start date, and end date are known, and the AST cannot be finished during this period – unless the tenant(s) fail to do something they are supposed to do – called a breach of contract. This is generally a failure to pay rent, but other breaches apply.

If the tenant stays after August 9th (in our example), and the AST is not re-issued, it automatically becomes a Statutory Periodic Tenancy – i.e. goes from period to period (*all other terms and conditions remain the same*). In our example the period is from Aug 10th to Sept 9th; then Sept 10th to Oct 9th; and so on ad infinitum.

It is possible to issue a Periodic Tenancy from the outset – it does not have to be Fixed term. This would then be a Contractual Periodic Tenancy. If you want the tenant to be responsible for the Council Tax it is important that you issue a 6 month (or more) Fixed Term tenancy, followed by Contractual Periodic. If the tenancy is allowed to become Statutory Periodic it has the potential for the landlord to become responsible for the Council Tax.

NB – it is generally thought that all tenancies have to start as a 6 month AST. There is no legal requirement for this.

This has arisen because if a court is sought, it cannot apply until the AST is six months old.

Assured

Tenancies starting between 15 January 1989 and 27 February 1997 may be assured.

Common Law – (excluded from H/Act 1988) – cannot be an AST

- Tenancy agreed before 15 Jan 1989
- Agricultural tenancy
- High rent (over £100,00)
- Rent free tenancy (comes with job)
- Company let
- Student let by education body (halls of residence)
- Resident landlord – lodgers in your home (licence agreement)

To cease the tenancy see the Fact Sheet - **Regaining the Property**

Covid update – notice periods have been extended during the pandemic.

Note that **iHowz** offer a discounted eviction service. Email notices@iHowz.uk