

Case Study

Agent error serving a Section 21 notice: let us be your expert



Did you know?

All property agents and professionals that carry out estate, lettings and property management work in the property industry have a legal responsibility to join an authorised redress scheme.

Since mandatory membership of a redress scheme came into force on 1 October 2014, most letting agents and property managers now know this, and at the time of writing (July 2022), the Property Redress Scheme (PRS) membership has grown to over 16,000 agents, with a further 1,250 registered branches throughout the UK.

As existing members will also know, by joining a government-authorised scheme, such as the Property Redress Scheme, property agents and professionals agree to resolve complaints using our resolution process and to abide with our final decision when they are legally required to do so.

“We’re not experts....”

So far so good – or is it? [HF Assist](#) - a specialist lettings advice service for letting agents and property managers – received a complaint recently whereby a letting agent – a member of the PRS - had made errors serving a Section 21 notice, resulting in the notice being served incorrectly. The agent’s error incurred additional costs for the property owner, as well as delaying them gaining possession.

In response to their landlord’s complaint, the agent commented that they were *“neither experts nor solicitors, but had done their best.”*

As this example highlights, while serving a Section 21 notice may seem straightforward, there are many traps and pitfalls to be avoided, and unfortunately for the agent, this line of defence is simply not good enough. Agents need to realise that a landlord faced with this response is likely to have a justified claim – leading to an award of compensation!

Use our experts...

HF Assist draws on the wider expertise of the Hamilton Fraser Group, who also run the [Property Redress Scheme](#), [mydeposits](#), [Client Money Protect](#) and [Landlord Action](#).

Mike Morgan, legal division manager at Hamilton Fraser and head of HF Assist, explains: *"Everyone needs a second opinion from time to time. But when we get it, it's often hard to find someone who really understands the sector. We do - all our advisors at HF Assist have worked in the private rented sector for many years and have practical and technical expertise of the issues that you are facing daily. We're here to assist you when you need that second opinion and we won't make you wait on the phone either - you can speak to us via email and live chat too."*

It is becoming increasingly difficult for landlords to keep up with the pace of change when it comes to [private rented sector legislation](#). Yet the [penalties for not doing](#) so are becoming more severe. Time poor landlords and those who struggle to keep up with the ever-changing legislation rely on the knowledge and expertise of agents and property managers. But few are expert in all aspects of private rented sector law. That's where HF Assist comes in, with specialist advisors to help with tailored advice on a range of issues including legal disputes, HR and tax.

HF Assist is available from just £10 a month*.

Find out more by visiting www.hfassist.co.uk

*plus 20 per cent VAT



HF ASSIST



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