

Failure to obtain a gas certificate prohibits no-fault eviction



A County Court decides that a landlord's failure to obtain a gas safety certificate at the commencement of a tenancy will bar them from serving a section 21 notice for the duration of that tenancy (*Byrne v Harwood-Delgado*).

Landlords will remember the case of *Trecarrell House* where the Court of Appeal decided that landlords need not serve a gas safety certificate at the commencement of a tenancy, but merely need to have served one on the tenant before serving a section 21 notice.

It was, however, found in *Byrne* that the circumstances could be distinguished from *Trecarrell House* in that the landlord had not only failed to serve the gas safety certificate at the commencement of the tenancy, but had also not actually even obtained one at that time.

The County Court found that failure to obtain a gas safety certificate at the commencement of a tenancy could not be remedied by obtaining one and serving it at a later date. Therefore, if a landlord fails to obtain a gas safety certificate at the commencement of the tenancy, they are forever barred from serving a section 21 notice to end the tenancy.

How we can help

At Cripps, we have one of the largest [property litigation](#) teams in the UK, with extensive experience in all areas of [property dispute resolution](#). Please contact our [property disputes](#) team for assistance.



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