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Selling a Tenanted Property: Essential Questions

Understand what information and legal advice you need.

Clarify your intended sale

Decide whether you aim to sell with the tenant in place or seek vacant possession. The routes may attract different buyers, financing and legal considerations.

Check current tenancy law

In England, changes under the Renters' Rights Act took effect from 1 May 2026, including the shift to assured periodic tenancies and the abolition of section 21. The correct possession grounds and notice requirements need individual legal advice.

Organise the paperwork

Keep tenancy terms, deposit protection evidence, compliance records, rent statements, repairs and communication history available for your advisers. Share tenant personal information only where justified and lawful.

Be accurate with the advert

Make tenancy status, current income and significant restrictions clear where material to the transaction. Do not promise vacant possession unless there is a realistic lawful route.

Work with the right professionals

Ask a conveyancer experienced in tenanted sales and, where appropriate, a specialist landlord adviser. Confirm how the tenancy deposit, apportionments and notices are handled at completion.

FIVE QUESTIONS TO ASK

☐ Is vacant possession legally achievable?

☐ What tenancy and compliance documents exist?

☐ Are arrears or disputes outstanding?

☐ What is being sold—vacant or tenanted?

☐ Who advises on possession?

COMMON MISTAKES TO AVOID

- Relying on pre-May-2026 section 21 assumptions
- Pressuring a tenant without legal basis
- Overpromising completion dates

TRUSTED SOURCES

https://www.gov.uk/guidance/renters-rights-act-an-overview-for-landlords

https://www.gov.uk/selling-a-home

General information, not individual legal, mortgage, financial, valuation or tax advice. Rules and rates may change; check current official guidance before acting.