

SAMPLE

and documents relating to the “standard procedure”
 ential property that has been let on an assured

fixed term of an AST, as opposed to at the end of section 8 Notice specifying one of the fault-based grounds of the Housing Act 1988. A court application is then required to end the tenancy voluntarily. This is the “standard procedure” for

be used if the landlord is seeking possession after
to include a claim for recovery of rent arrears.

ession of the property at the end or after the end
to pursue any other claim, such as a claim for rent
accelerated procedure". A separate guidance note
covering the accelerated procedure. NB: Proposed
the accelerated procedure being abolished. These
are implemented.

the landlord's possession claim is brought because

The Debt Respite Scheme (Breathing Space Crisis Moratorium) (England and Wales)

es to obtain possession of a property is to serve a
e gives the tenant formal notice that the landlord
ession.

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8 Notice and we offer a template covering letter.

- 3 Notice.

made, it is vital that the landlord can prove that

the Section 8
the tenancy

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- *Form*

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4. **Application**

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5. **Preparing the**

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- *Form*
- *Form*
- *Form*

On page 1
(landlord(s))

Any irrelevant

the tenant in accordance with the requirements of
“service” will need to be provided to the court.

the Letter Enclosing a Section 8 Notice which has
acknowledge receipt.

server, they should provide a certificate or service
(service) which can be produced to the court.

way of a certificate of service signed by the person
to the tenant or the property. See:

Form *Service of Section 8 Notice*.

Post Office is another possibility but is not always
prove that the Notice actually arrived.

acceptable but using “signed for” delivery as a method
tenant is not at home when delivery is attempted
the Post Office, it will be returned to the landlord.

Application Order

property by the date specified in the Section 8 Notice,
an order for possession. This must be done within
the Section 8 Notice.

or, if the claim is brought solely on the ground of
arrears. We deal with paper-based applications below
5 below.

Court on Form N5 supported by form N119. See:

- Form* *Application for Possession of Property (Standard Procedure)*.
- Form* *Application for Possession*.
- Form* *Guidance on Completing Particulars of Claim Form*.

landlord needs to provide details of the claimant
and property.

could be deleted.

The Court will consider the claimant's costs should be inserted in the boxes.

The court fees and the claimant's costs should be inserted in the boxes.

Details of the claimant's costs should be inserted in the boxes at <https://www.gov.uk/evicting-tenants/standard-possession-orders#:~:text=claimant's%20costs,completed%20claimant's%20costs>

The legal representation costs should not exceed the amount specified in Part 45 of the Civil Procedure Rules. See <https://www.justice.gov.uk/courts/procedure-rules/civil/rules/45>

The defendant's address will be the property address if the tenant is living there or such other address as the tenant has provided.

The issue date is the date for the court to fill in.

On page 2, the

The Statement of Truth should be signed by the landlord (or on the landlord's behalf if the landlord is a company or other legal entity).

Form N119 is used to complete the landlord's possession claim. Refer to the Completing Particulars of Claim Form (an official HM Courts and Tribunals publication) for detailed guidance.

In section 1, the claimant should state the claim.

In section 2, the claimant should state the address of the property.

In section 3, the claimant should state the tenancy agreement.

In section 4, the claimant should state the paragraphs and insert information where requested. If there are more details, the claimant should set out in a separate statement. See:

- *Schedule of Claimant's Costs* and *Statement of Truth*.

In section 5, the claimant should state the amount taken to recover any arrears.

In section 6, the claimant should state the date of the 8 notice (notice seeking possession).

In section 7 provide information about the tenant's circumstances.

In section 8 provide information about the landlord's circumstances.

In section 9 provide details of the tenant or mortgagee.

Section 10 asks for details of other claims. Delete any that are not required.

In section 11 provide details of the property. Leave sections 12-15 blank.

The Statement of Truth must be signed by the landlord (or on the landlord's behalf if the landlord is a company or other legal entity).

6. Submitting the claim to court

The completed claim form must be filed and sent to the county court in the area where the property is located.

- *Letter to the court must be accompanied by Form N5 and Form N119.*

Three copies of the claim form must be generated so that there is one for the landlord to keep, and one for the court. If there is more than one tenant further copies of the claim form must be generated so that there is one copy for each party.

The following documents must be filed with the signed claim forms:

- Copies of the claim form (if one has been prepared)
- Cheque for the court fee
- Copies of the tenancy agreement between the landlord and tenant
- Copies of the landlord's statement of truth
- Proof of service of the claim form

7. Action to be taken by the tenant receiving Claim Form

The tenant must respond to the claim form by Form N11R. See:

- *Form N11R (Response to a Claim Form for Possession of Residential Premises).*

The defence must be filed with the court in response to the claims made by the landlord.

The tenant must file the defence with the court within 14 days of service of the notice of the claim. The tenant must also file the defence on the landlord.

If no defence is put forward in the hearing, the judge decides in favour of the landlord.

If the tenant does put forward a defence, the judge will consider the evidence in addition to the information given in the claim form and serve any witness statements at least 2 days before the hearing.

8. Hearing

The case will usually be heard in a 5-10 minute hearing in a long list of possession cases. At the hearing, the judge will either decide the claim or adjourn the case and give case management directions.

At the hearing, the judge will ask the landlord to confirm:

- The amount of arrears claimed and the date.
- Whether agreed with the tenant (e.g., for the arrears to be paid in instalments) or if the agreement with the tenant.
- If there is no agreement, the precise terms of the order the landlord is seeking (e.g., for possession or a suspended possession order including a requirement to pay the arrears by a certain date or month).

Deciding the outcome of the case, the judge:

- Dismissing the claim if the landlord's case is not made out, if the claim is not properly presented, or if the landlord or their representative does not attend the hearing.
- Making an order for possession.
- Making a suspended possession order.
- Making a possession order with a requirement to pay the arrears by a certain date.
- Making a possession order with a requirement to pay the arrears by a certain date.

Possession orders are discussed in more detail in the following sections of the guide.

If the case is adjourned, the judge may adjourn the case and give case management directions stating out what the parties must do before the next hearing.

9. Outright Possession

If the landlord is successful based on Ground 8 of Schedule 2 to the Housing Act 1988 (sustained rent arrears) and the landlord is successful, the court must make an outright possession order. This means the tenant must leave the property by the date given in the order, which is usually 14 days after the date the court makes the order.

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10. **Suspended**

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- *Form*

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ces, for example if the tenant is ill or has young
to delay the possession date for up to six weeks.

n in the possession order, the landlord can then
possession (see section 6 below).

tion Order

round 10 of Schedule 2 to the Housing Act 1988
(persistent delay in paying rent) the court may
ers it reasonable to do so. Usually, the possession
d.

res possession to be given on a certain date, but
as the tenant complies with the conditions of the
d costs. If the tenant breaches the conditions, the
for permission to issue a Warrant for Possession

lar to a suspended possession order but the date
and the landlord must apply to court for an order
the landlord can apply for permission to issue a

session the landlord must first give the tenant 14
n to apply. See:

Fixing a Date for Possession.

be made within three months by the Landlord
ourt. See:

ication Notice to Fix a Date for Possession.

ame and in section 2 check the “claimant” box.

he date upon which the Defendant has to give up
erty]”.

n section 5 check the box for “without a hearing”.

d insert the following wording in the box below,

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11. **Money Judgment**

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12. **Bringing a claim**

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because the Defendant has failed to comply with the
on <<date>> in that <<insert details of default>>.

by the Defendant for housing benefit.

ed with this notice:

to the Defendant dated <<date>> confirming the
Order requested above;

ated <<date>>];

correspondence between the Claimant and the

showing [the arrears that have accrued since the
the Postponed Possession Order] **OR** [the arrears
of two years immediately preceding the date of this

ssession without a hearing.

a "money judgment", i.e., an order requiring the
sts. If it is not appropriate to make a possession
agreed to allow the tenant to stay at the property,
nt only.

n accordance with the judgment, the landlord can
ment to be enforced (see section 7 below).

he via www.gov.uk website

www.gov.uk/possession-claim-online-recover-property
urt fee is payable for claims started in this way.

ine option should read the PCOL User Guide
ore issuing the claim. Landlords should also read
about paper-based applications as it will help them

gh a questionnaire to produce a completed claim
explanatory.

insert "rent arrears" and refer to the grounds for
notice.

seeking possession (this is the Section 8 Notice)
ved.

S

Once the form is completed, the landlord can pay the court fee and issue the claim. The details of the court fee are set out in section 4 above. Many of the actions can be performed on paper.

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13. **Enforcement of Outright Possession Order**

Ideally the tenant will vacate the property by the date stated in an outright possession order. It can be helpful to write the tenant reminding them of the terms of the possession order.

property by the date stated in an outright possession order. It can be helpful to write the tenant reminding them of the terms of the possession order.

- Letter reminding tenant to vacate property under Outright Possession Order.
- Letter reminding tenant to comply with Suspended Possession Order.
- Letter reminding tenant to comply with Postponed Possession Order.

14. **Application for Possession – Outright Possession Order**

If the tenant does not vacate the property by the date stated in the possession order, the landlord will need to apply to the court for a warrant of possession. If the landlord is applying for an outright order for possession, the landlord should complete Form N325. See:

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- *Form N325 Application for Possession of Land.*

The parties' names should be entered in sections 1, 2 & 3.

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Section 4 should be completed with details of money owed.

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In section 5 the grounds for possession need to be given.

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In the "I certify that I am entitled to possession" side, delete any irrelevant wording in brackets in paragraph 2.

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The Form should be submitted with a covering letter. See:

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- *Letter reminding tenant to vacate property under Form N325 Warrant Request.*

A cheque for the court fee should be enclosed with the letter. Details of court fees can be found at <https://www.gov.uk/government/publications/fees-in-the-civil-and-family-courts-main-points>.

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15. **Application for Possession – Suspended Possession Order**

If the court has granted a postponed order for possession the landlord must apply to the court for a warrant for possession. The application for a warrant for possession is made using Form N325. See:

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- *Form N325A Warrant of Possession of Land (SPO).*

Form N325A is an application for permission and an application for the warrant itself. Form N325 is a statement of the judgment or order made under the judgment or order is attached to this request”

- *Statement of Judgment and Made under SPO.*

The Form and Statement of Judgment and Made under SPO. are sent to the court with a covering letter. See:

- *Letter to the Court in N325A Warrant Request (SPO).*

A cheque for the court fees should be enclosed with the letter. Details of court fees can be found at <https://www.gov.uk/government/publications/fees-in-the-civil-and-family-courts-main-points>.

16. Issue of Warrant

Assuming all the requirements are met, the court will make a Warrant for Possession of Land. This is Form EX96. This warrant authorises the bailiffs to take possession of the property.

The bailiffs will attend the property to enforce the warrant (Form EX96). This may be some weeks after the Warrant is issued, depending on the court's workload.

The landlord should inform the bailiffs of the appointment and provide a risk assessment of any hazards they may encounter when carrying out the eviction. The landlord or their representative should meet the bailiffs at the property. The landlord should arrange a locksmith if the landlord wishes to change the locks. The bailiffs are not required to remove any goods.

17. Enforcement

Ideally the tenant should be given a chance to pay the arrears and costs in accordance with the court order. It can be useful to remind them of the terms of money judgment. See:

- *Letter to the Court in Money Judgment for Rent Arrears.*

18. Information

If the tenant cannot afford to pay the arrears, the landlord can apply to the court for an order for questioning. This will establish the tenant's financial situation. This application is made on Form N316 (for an individual debtor). See:

- Form N323 – Application in Form for Questioning Tenant Debtor
19. **Enforcement**
- Once the tenant has been identified, the next step is to decide whether it is worth applying for enforcement orders described below, and which one will be most appropriate. A fee will be payable to the court to commence an enforcement order.
- a) **Warrant of Control – seizure of debtor's property**
- A Warrant of Control gives the county court bailiff authority to enter the tenant's property if the debt is not paid, the bailiff is authorised to remove goods from the property in order to recover the money owed. Landlords should provide the bailiff with the name, address, model, and number plate of the debtor's car as this is used as a method for the bailiff to recover funds.
- A Warrant of Control can be applied for via the Money Claim Online website or by a paper application.
- Form N323 – Application in Form for Questioning Warrant of Control.
- b) **Attachment of Earnings Order – obtaining debtor's salary**
- The court can make an Attachment of Earnings Order. This directs the tenant's employer to deduct a certain amount from the tenant's earnings each pay day and send it to the landlord.
- An application for an Attachment of Earnings Order is made on Form N337. See:
- Form N337 – Application in Form for Attachment of Earnings Order.
- c) **Third Party Debt Order – obtaining funds from third party**
- If the tenant owes money to the landlord and has owed money by any other person, the court can make a Third Party Debt Order. This usually stops the tenant from taking money out of the bank and sends it directly to the landlord from the account.
- An application for a Third Party Debt Order is made on Form N349. See:
- Form N349 – Application in Form for Third Party Debt Order.
20. **Breathing Space**
- Tenants who are experiencing financial difficulty may qualify for a breathing space moratorium. This is known as a "breathing space" and where applicable, will be notified to a landlord by the court.
- During the breathing space period, landlords cannot:
- take any action to enforce payment of rent arrears by serving a S8 notice on the tenant.

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The Insolvency
period comes

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will need to go through the tenant's debt adviser;

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even if a tenant has vacated the property during

to notify the Landlord when the breathing space