

Accelerated possession proceedings

This factsheet explains how, following the expiry of a section 21 notice,* your landlord can obtain a possession order and evict you from your privately rented assured shorthold tenancy (AST).

*See the factsheet 'Is your section 21 notice valid?'

Your landlord can only use the accelerated procedure if:

- you moved into the property on or after 15 January 1989
- you are an assured shorthold tenant
- any fixed term has expired
- you have a written agreement, or the tenancy follows on from a fixed term that had a written agreement
- s/he has served you with a valid section 21 notice and the date on it has passed
- s/he has complied with any local authority licensing requirements
- your deposit has been protected within an authorised scheme (if required)
- the claim is just for possession (eg not for rent arrears).

The landlord's application form (N5B) must be accompanied by:

- copies of the original and, if applicable, the most recent tenancy agreements
- a copy of the notice requiring possession
- (for tenancies that started before 27 February 1997 only), a copy of the pre-tenancy (section 20) notice
- evidence of compliance with any local authority licensing schemes
- evidence that any deposit taken is safeguarded with an authorised tenancy deposit scheme (if applicable).

The landlord must take the above documents, with the N5B, to the county court and the court will send you a copy together with a defence form (N11B).

Defence

You should complete the defence form if you want to try to stay longer in the property.

Act quickly – you only have 14 days to return the defence form to the court. If you can show that the landlord has not complied with one of the above conditions then s/he

will have to remedy any problems and possibly reissue the notice.

You can also use the N11B to ask the court to give you up to six weeks longer in the property, but you will have to show that it would cause you 'exceptional hardship' to move out sooner.

The court will send a copy of the defence form to the landlord and refer the papers to a judge for consideration who will either: dismiss the claim, make an order for possession or fix a hearing date. If there is a hearing, you will have the chance to explain what is wrong with the claim or why you need longer than 14 days in the property.

If you do not submit the defence form in time, the landlord can ask the court to make a possession order based on the landlord's paperwork alone, although the judge could still require a hearing. If you miss the deadline, get the form in anyway and seek advice as soon as possible.

If you don't submit the N11B, or fail to ask for more time, or if you ask for more time and the judge doesn't agree, then s/he will order you to leave within 14 days. If the court makes an order for possession without a hearing, you have 14 days from the date on the order to ask for it to be reconsidered.

Eviction

If you don't leave the property by the date on the possession order, your landlord will need to get a warrant for your eviction and it is a court bailiff who will evict you. You can ask for a postponement of the eviction date, but you will only get a maximum of six weeks from when the possession order was made.

Further advice

You can get advice from Shelter's free* housing advice helpline (0808 800 4444), a local Shelter advice service or Citizens Advice bureau or at shelter.org.uk/getadvice

* Calls are free from UK landlines and main mobile networks.



Specialist support on housing advice

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Shelter

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