

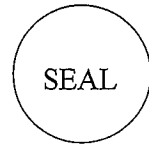


Claim form for possession of property
 (accelerated procedure)
 (assured shorthold tenancy)

In the	
Claim No.	

Claimant
 (name(s) and address(es))

* Mr Your name AND address here *



Defendant(s)
 (name(s) and address(es))

* Your tenants names AND address here *

The claimant is claiming possession of:

* Property address you want possession of *

for the reasons given in the following pages.
 [The claimant is also asking for an order that you pay the costs of the claim.]

IMPORTANT - TO THE DEFENDANT(S)

This claim means that the court will decide whether or not you have to leave the premises and, if so, when. There will not normally be a court hearing. You must act immediately.

Get help and advice from an advice agency or a solicitor.
 Read all the pages of this form and the papers delivered with it.
 Fill in the defence form and return it **within 14 days** of receiving this form.

The notes on the last page of this form tell you more about what you can do.

Defendant's name and address for service

* Tenants address *

Court fee	£
Solicitor's costs	£
Total amount	£

Issue date	
------------	--

Claim No.

If you are a registered social landlord claiming possession of premises let under a demoted assured shorthold tenancy, you should complete **only** sections 1, 2, and 7 to 11. Please see Notes for the claimant in Form N5C.

If you are not claiming possession of premises let under a demoted tenancy **do not** complete **section 2** but complete all other sections as appropriate. Please see Notes for the claimant in Form N5C.

1. The claimant seeks an order that the defendant(s) give possession of

~~*~~ Property address you want possession of ~~*~~

("the premises") which is a dwelling house ~~[part of a dwelling house]~~.

2. On the ~~_____~~ 20 ~~_____~~, the ~~_____~~ County Court made a demotion order. A copy of the most recent (assured) (secure) tenancy agreement marked 'A' and ~~a copy of the demotion order marked 'B' is attached to this claim form.~~ The defendant was previously ~~(an assured) (a secure) tenant.~~

3. On ~~_____~~, the claimant entered into a written tenancy agreement with the defendant(s). A copy of it, marked 'A' is attached to this claim form. The tenancy did not immediately follow an assured tenancy which was not an assured shorthold tenancy.

~~[One or more subsequent written tenancy agreements have been entered into. A copy of the most recent one, made on _____, marked 'A1', is also attached to this claim form.]~~

4. Both the ~~[first]~~ tenancy and the agreement for it were made on or after 28th February 1997.

- a) No notice was served on the defendant stating that the tenancy would not be, or continue to be, an assured shorthold tenancy.
- b) There is no provision in the tenancy agreement which states that it is not an assured shorthold tenancy.
- c) The "agricultural worker condition" defined in Schedule 3 to the Housing Act 1988 is not fulfilled with respect to the property.

(or)

~~5. Both the [first] tenancy and the agreement for it were made on or after 15 January 1989.~~

- ~~a) The [first] tenancy agreement was for a fixed term of not less than six months.~~
- ~~b) There was no power for the landlord to end the tenancy earlier than six months after it began.~~
- ~~c) On the _____ 19 _____ (before the tenancy began) a notice in writing, stating that the tenancy was to be an assured shorthold tenancy, was served on the defendant(s). It was served by:~~

~~d) Attached to this claim form is a copy of that notice marked 'B' [and proof of service marked 'B1'].~~

~~6. Whenever a new tenancy agreement has replaced the first tenancy agreement or has replaced a replacement tenancy agreement,~~

- ~~a) it has been of the same, or substantially the same, premises, and~~
- ~~b) the landlord and tenant were the same people at the start of the replacement tenancy as the landlord and tenant at the end of the tenancy which it replaced.~~

Claim No.

7. On the 1st August 2008, a notice in writing, saying that possession of the premises was required, was served upon the defendant(s). It was served by:

Name of person who posted the section 21 notice
OR
Posted by person (evidence of post maybe required)

The notice expired on the 9th October 2008.

Attached to this claim form is a copy of that notice marked 'C' [and proof of service marked 'C1'].

7B.

~~(a) The property is (or is part of) a House in Multiple Occupation and is required to be licensed under part 2 of the Housing Act 2004 and has a valid licence. Attached to this claim form is a copy of that licence marked 'D'. If the licence application is outstanding with the local housing authority, evidence of the application (including an application made under Section 346 of the Housing Act 1985) should be attached.~~

OR

~~(b) The property is required to be licensed under part 3 of the Housing Act and has a valid licence. Attached to this claim form is a copy of that licence marked 'D'. If the licence application is outstanding with the local housing authority, evidence of the application should be attached.~~

OR

(c) The property is not required to be licenced under part 2 or 3 of the Housing Act 2004.

(d) If your claim for possession is in relation to an Assured Shorthold Tenancy where a deposit was taken after 6 April 2007, you must provide evidence that such deposit is safeguarded with a tenancy deposit scheme (TDS) authorised under Part 6 of the Housing Act 2004.

8. (any further information, continue on separate sheet if necessary)

Tenants deposit has been secured with "The Deposit Protection Service" copy item "D1"

The defendants rent my property under an AST and have not paid the rent due for the last few months, arrears have now accrued. I have made every attempt to discuss the situation to see if we could come up with a plan to repay the outstanding rent however, my telephone messages are ignored and I have had no replies to letters concerning the repayment of the arrears.

I therefore seek possession of the property urgently.

Claim No.

9. ~~If the defendant(s) seek(s) postponement of possession on the grounds of exceptional hardship, the claimant is content that the request be considered without a hearing.~~

10. The claimant asks the court

to order that the defendant(s) deliver up possession of the property.

[to order the defendant(s) to pay the costs of this claim.]

11. Statement of Truth

*(I believe)(The claimant believes) that the facts stated in this claim form (and any attached sheets) are true.

* I am duly authorised by the claimant to sign this statement.

signed ~~*~~ _____ date ~~*~~ _____

*(Claimant)(Litigation friend *(where claimant is a child or a protected party)*)(Claimant's solicitor)

**delete as appropriate*

Full name ~~*~~ Your name here ~~*~~ _____

Name of claimant's solicitor's firm _____

position or office held _____
(if signing on behalf of firm or company)

Claimant's or claimant's solicitor's address to which documents should be sent if different from that on the front page.

Postcode

<i>if applicable</i>	
Ref. no.	
fax no.	
DX no.	
e-mail	
Tel. no.	

Notes for the defendant

The claimant has used the accelerated procedure because it is said you have an assured shorthold tenancy or demoted assured shorthold tenancy. If so, the court is not allowed to consider whether it is reasonable or fair to make the order for possession. Therefore, if what is written in the claim form and in the defence form make it clear that the claimant is entitled to possession, the court will make the order without fixing a hearing.

The claimant cannot use the procedure if you have a tenancy of the whole, or part of a property that is required to be licensed under parts 2 or 3 of the Housing Act 2004, unless the local authority has granted a licence for the property or an application has been made to it for one. The claimant has given a declaration as to whether he requires (or does not require) a licence on the claim form.

You can check with your local authority whether a licence has been granted or an application for a licence has been received. Your authority maintains a public register of licensed properties which is available for inspection during normal working hours.

From 6 April 2007, the claimant cannot use the procedure if a deposit that has been taken for the tenancy has not been protected under sections 212 to 213 of the Housing Act 2004.

If you think there are reasons why the court should not make a possession order, you should consider getting advice from a solicitor or an advice agency immediately. If you dispute the claim, fill in the defence form and return it to the court office within

14 days of receiving the claim form. If you cannot give exact dates in your defence form, give them as nearly as you can. Make it clear that the dates you give are approximate. The judge can only take account of legally valid reasons.

You may qualify for assistance from Community Legal Service Fund (CLSF) to meet some or all of your legal costs. Ask about the CLSF at any county court office or any information or help point which displays this logo.

Community
Legal Service



Court staff can only help you complete the defence form and tell you about court procedures. They cannot give legal advice.

If the court makes a possession order without a hearing, you will be entitled to apply, within 14 days of receiving the order, for it to be reconsidered. The application would have to show some good legal reason for varying or revoking the order.

Normally, if the court makes a possession order, it will tell you to leave the premises within 14 days. The judge can allow up to 42 days but only if satisfied that leaving within 14 days would cause you hardship which is exceptional (that is, worse than would usually be suffered by someone having to leave within 14 days). If you believe there are exceptional circumstances in your case, fill in section 9 of the defence form and return it to the court office. Usually, an order for possession in 14 days will still be made but a hearing will be fixed within the 14 day period. The judge will decide at the hearing whether or not to extend the period.

If the court orders you to pay the claimant's costs, normally the order requires payment within 14 days. If you would be unable to pay in that time, fill in section 10 of the defence form and give details of your means.

If you use the defence form, you must sign the Statement of Truth. Proceedings for contempt of court may be brought against a person who signs a Statement of Truth without an honest belief in its truth.

Send documents for the court to the court office at

CERTIFICATE OF SERVICE

(completed on court copy only)

I certify that the claim form of which this is a true copy was served by me on

by posting it to the defendant(s) on

at the address stated on the first page of the claim form.

OR

The claim form has not been served for the following reasons:

Officer of the Court

Telephone: _____

Fax: _____

Please address all correspondence to "The Court Manager".