



# Claim form for possession of a property located in England

(accelerated procedure assured shorthold tenancy)

**Name of Court**

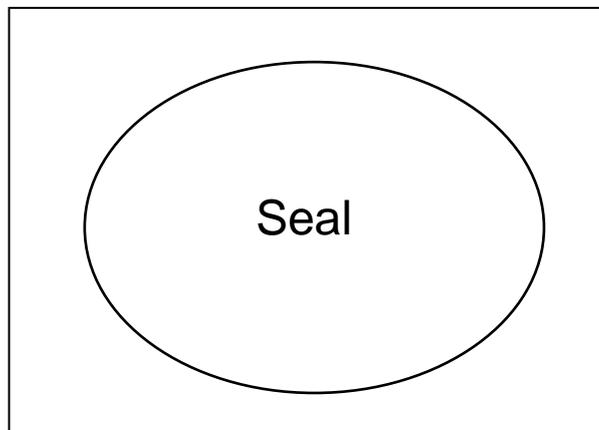
**Claim no.**

**Fee Account no.**

**Help with fees –**

**Ref no. (if applicable)**

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Is the property you are claiming possession of located wholly or partly in England?

Yes

No

**If No**, and the property is located wholly in Wales, use form '**N5B WALES**'.

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

Postcode:

Postcode:

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

Postcode:

Postcode:

The claimant is claiming possession of:

Postcode:

**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 (N11B ENGLAND) and return it **within 14 days** of receiving this form.

Defendant's name and address for service

Postcode:

Court fee

£

Legal representative's costs

£

Total amount

£

Issue date

If you are a registered social landlord or a private registered provider of social housing claiming possession of premises let under a demoted assured shorthold tenancy, you should complete **only** sections 1 and 5 – 13.

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

*(If the premises of which you seek possession are part of a building identify the part eg. Flat 3, Rooms 6 and 7)*

Postcode:

('the premises') which is

a dwelling house

part of a dwelling house

It is a demoted tenancy?

Yes

No

If Yes, complete the following:

On the

the County Court at

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.

**2. On the**

,  
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.)

3. Both the (first) tenancy and the agreement for it were made on or after 28 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)**

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 of the landlord to end the tenancy earlier than six months after it began.
- (c) On the

(before the tenancy began) a notice in writing, stating that the tenancy was to be 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**')

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

(a) has it been of the same, or substantially the same, premises?

Yes

No

N/A

(b) were the landlord and tenant the same people at the start of the replacement tenancy as the landlord and tenant at the end of the tenancy which it replaced?

Yes

No

N/A

**5.** On the

a notice in writing (under s.21 of the Housing Act 1988), saying that possession of the premises was required, was served upon the defendant(s). It was served by (state how, when and by whom the notice was sent or delivered):

The notice expired on the

Attached to this claim form is a copy of that notice marked 'C' (and proof of service marked 'C1')

**6.** Is the property part of a house in multiple occupation?

Yes

No

**If Yes**, complete the following:

(a) The property 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.

The licence was issued by

*(name of authority)*

On

If the licence application is outstanding with the local housing authority, evidence of the application should be attached to this claim form marked '**D**'.

Is the property required to be licensed under Part 3 of the Housing Act 2004?

Yes

No

**If Yes**, complete the following:

(b) The property is licensed under part 3 of the Housing Act.

The licence was issued by

*(name of authority)*

On

If the licence application is outstanding with the local housing authority, evidence of the application should be attached to this claim form marked 'E'.

**7.The following section must be completed in all cases.**

(a) Was a money deposit received in relation to the tenancy or in relation to a tenancy directly or indirectly replaced?

Yes

No

**If Yes**, complete the following:

(b) on what date did the fixed term come to an end?

(c) has the landlord protected the deposit by lodging it in a Tenancy Deposit Scheme(TDS) authorised under Part 6 of the Housing Act 2004?

Yes

No

(d) when was the deposit lodged?

(e) what is the deposit reference number?

(f) Is a copy of the TDS certificate attached?

Yes

No

(g) has the landlord given the tenant the prescribed information in relation to the deposit and the operation of the TDS?

Yes

No

(h) on what date was the prescribed information given?

(i) Has the deposit been repaid to the tenant?

Yes

No

If Yes, on what date was it repaid

**8.** Has the claimant been served with a relevant notice in relation to the condition of the property or relevant common- parts under s. 11 or 12 or 40(7) of the Housing Act 2004?

Yes

No

**If Yes –**

(a) on what date was the notice served?

(b) has the operation of the relevant notice been suspended?

Yes

No

**If Yes -**

has the period of suspension ended?

Yes

No

on what date did the suspension end?

(c) has the relevant notice been revoked under s.16 of the Housing Act 2004?

Yes

No

(d) has the relevant notice been quashed under paragraph 15 of Schedule 1 of the HA 2004?

Yes

No

(e) has a decision of the local housing authority not to revoke the relevant notice been reversed under paragraph 18 of Schedule 1 to the HA 2004?

Yes

No

(f) has a decision of the housing authority to take the action to which the relevant notice relates been reversed under s.45 of the HA 2004?

Yes

No

(g) did the tenant complain or try to complain about the relevant condition of the property or the common-parts to the landlord before the notice was given?

Yes

No

(h) is the relevant condition of the property or common-parts due to the breach of duty or contract on the part of the tenant?

Yes

No

(i) is the property genuinely on the market for sale with intent to sell to an independent person not associated with the landlord?

Yes

No

(j) is the landlord a private registered provider of social housing?

Yes

No

(k) is the Claimant a mortgagee whose mortgage predated the tenancy and who requires vacant possession to sell the property under an existing power of sale?

**9.** Has a valid energy performance certificate been given free of charge to the tenant?

Yes

No

**If Yes -**

(a) when was the tenant given the certificate?

**10.** Is there any relevant gas fitting (including any gas appliance or installation pipework) installed or serving the premises?

Yes

No

**If Yes -**

(a) has a copy of the gas safety record been provided to the tenant?

Yes

No

(b) when was the tenant given a copy of the gas safety record?

(c) if there is no relevant gas appliance in any room occupied by the tenant has the landlord displayed in a prominent position in the premises a copy of the gas safety record with a statement endorsed on it that the tenant is entitled to have their own copy of the gas safety record on request to the landlord at an address specified in the statement?

Yes

No

**11.**Is the landlord a private registered provider for social housing?

Yes

No

**If No –**

(a) Has the tenant been given a copy of the then current document ‘How to Rent: the checklist for renting in England’?

Yes

No

**(b) if the answer to (a) is Yes –**

(i) when was the document provided?

(ii) how was the document provided?

Hard copy

Email

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

Yes

No

**13.** The claimant asks the court to order that the defendant(s)

deliver up possession of the property

to pay the costs of this claim

**Proceedings for contempt of court may be brought against a person who makes or causes to be made, a false statement in a document verified by a statement of truth.**

### **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

\*(Claimant)(Litigation friend(*where claimant is a child or protected party*))

(Claimant's Legal representative as defined by CPR 2.3(1))

*\*delete as appropriate*

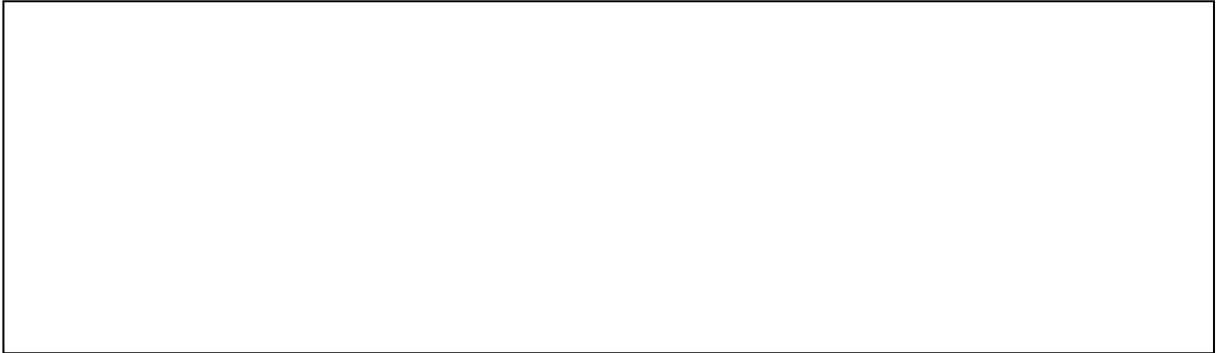
Date

Full name

Name of claimant's Legal representative's firm

Position or office held

*(if signing on behalf of firm or company)*

A large, empty rectangular box with a thin black border, intended for a signature or stamp when signing on behalf of a firm or company.

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

Postcode

If applicable
Ref. no
Fax no.
DX no.
e-mail
Tel. no.

**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

**You may qualify for legal aid.**

Visit [www.gov.uk/legal-aid](http://www.gov.uk/legal-aid) for more information or a citizens advice at [www.adviceguide.org.uk](http://www.adviceguide.org.uk)

**Returning the forms**

Send your completed form and other documents to the court office at:

Telephone:

Fax:

For further details of the court [www.gov.uk/find-court-tribunal](http://www.gov.uk/find-court-tribunal). When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

**Please tick the boxes to show which documents you have attached in support of the claim**

Question 1 – see page 9

Copy of the most recent (assured) (secure) tenancy agreement marked **'A'**

Copy of the demotion order marked **'B'**

Question 2 – see page 11

Copy of the most recent written tenancy agreement marked **'A'**

Where one or more tenancy agreements have been entered into a copy of the most recent one marked **'A1'**

Question 3 – see page 12

Copy of the notice in writing, stating that the tenancy was to be an AST marked **'B'**

Proof service of the document of the notice marked **'B1'**

Question 5 – see page 13

Copy of the notice saying that possession was required marked **'C'**

Proof of service of the notice requiring possession marked '**C1**'

Question 6 – see page 15

evidence of any outstanding licence application under Part 2 of the Housing Act 2004 marked '**D**'

Evidence of any outstanding licence application under Part 3 of the Housing Act 2004 marked '**E**'

Find out how HM Courts and Tribunals service uses personal information you give them when you fill in a form: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>