

Section 21: accelerated proceedings

This factsheet explains how your landlord can use a quicker route to get a possession order after giving you a section 21 notice to end your assured shorthold tenancy.

Your landlord can use the accelerated possession procedure to evict you if:

- you are an assured shorthold tenant
- any fixed term agreement has expired
- you have a written agreement, or the tenancy follows on from a fixed term that had a written agreement
- the claim is just for possession of the property (eg not for rent arrears as well)
- you have received a valid section 21 notice, the notice period has expired, and you haven't moved out.

There are rules setting out how and when a section 21 notice can be given to end your assured shorthold tenancy – see the factsheets *Section 21: procedure* and *Section 21: restrictions*.

Landlord applies to the court

Your landlord must apply to the county court on Form N5B. The application must include:

- copies of your original and most recent tenancy agreements
- a copy of the section 21 notice
- (for tenancies that started before 27 February 1997 only), a copy of the pre-tenancy (section 20) notice
- evidence that your landlord has a licence from the council to rent out the property, if they should have one
- evidence that your landlord has protected your tenancy deposit in a government-approved scheme, and given you the prescribed information.

The court will then send you a copy of the above together with a defence form.

Completing your defence form

Fill in the defence form (N11B) if you want to try to stay in the property.

Act quickly because you only have 14 days after you receive it to return the defence form to the court.

The court won't evict you if the section 21 you received is not valid.

Tell the court on the defence form why your section 21 isn't valid. The other two

factsheets about section 21 notices give information about this.

If you have no defence the court will normally order you to leave in 14 days. You can use Form N11B to ask the court to consider giving you up to six weeks to leave. You will have to say why it would cause you 'exceptional hardship' if you have to move out sooner.

What the court can decide

The court will send a copy of your defence form to the landlord and pass the papers to a judge. The judge could dismiss the claim, order possession, or fix a hearing date.

If there is a court hearing, you will have the chance to explain what is wrong with your landlord's claim or why you need up to six weeks longer in the property.

If you don't send in the defence form in time, the landlord can ask the court to make a possession order based on the paperwork alone, although the judge could still decide there will be a hearing. If you miss the deadline, get the Form N11B in anyway and seek advice as soon as possible.

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. The court will also decide if you must pay any of your landlord's costs.

Eviction

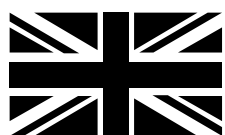
If you don't leave the property by the date on the possession order, your landlord must get a warrant for your eviction and it is a court bailiff who will evict you.

You can apply to the court on Form N244 for a postponement of the eviction date. You can only get up to six weeks from when the possession order was made.

Further advice

You can get further advice from Shelter's free* housing advice helpline (0808 800 4444), a local Shelter advice service or local Citizens Advice office, or by visiting england.shelter.org.uk/housing_advice

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



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Note

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