



Claim form for possession of a property located in England

(Accelerated procedure)

(Assured shorthold tenancy other than a demoted tenancy)

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

☐ Yes

☐ No, the property is located wholly in Wales, use form **N5B WALES**.

SEAL

Enter the full name(s) of the Claimant(s)

Enter the full name(s) of the Defendant(s)

The Claimant is claiming possession of

Name and address of the court

Claim no.

Issue date

Fee Account no. (if applicable)

Help with Fees Ref no. (if applicable)

HWF

for the reasons given in the following pages

Important – to the Defendant(s)

This claim means that the Court will decide whether or not you have to leave the property and, if so, when.

There will not normally be a 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 send or deliver it to the court named above.

You must send or deliver the defence form so that it arrives at court by .

If you fail to do so, the Court may make a possession order against you.

Court fee

Legal representative's costs

Total amount

1. Please give the name(s) and address(es) of the Claimant(s)

First Claimant

First name(s)

Last name

Building and street

Second line of address

Town or city

County (optional)

Postcode

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Second Claimant (if applicable)

First name(s)

Last name

Building and street

Second line of address

Town or city

County (optional)

Postcode

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Third Claimant (if applicable)

First name(s)

Last name

Building and street

Second line of address

Town or city

County (optional)

Postcode

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2. Please give the name(s) and address(es) of the Defendant(s)

First Defendant

First name(s)

Last name

Building and street

Second line of address

Town or city

County (optional)

Postcode

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Second Defendant (if applicable)

First name(s)

Last name

Building and street

Second line of address

Town or city

County (optional)

Postcode

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Third Defendant (if applicable)

First name(s)

Last name

Building and street

Second line of address

Town or city

County (optional)

Postcode

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Defendant's address for service

Building and street

Second line of address

Town or city

County (optional)

Postcode

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3. Are you (the Claimant) asking for an order that the Defendant pay the costs of this claim?

☐ Yes

☐ No

4. The Claimant seeks an order that the Defendant give possession of

Building and street

Second line of address

Town or city

County (optional)

Postcode

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Note 4 – If the property of which you seek possession is part of a building identify the part e.g. Flat 3, Rooms 6 and 7

5. Is the property a dwelling house or part of a dwelling house?

☐ Yes

☐ No

6. On what date was the property let to the Defendant by way of a written tenancy agreement?

Day

Month

Year

The tenancy did not immediately follow an assured tenancy which was not an assured shorthold tenancy.

7. The tenancy agreement is dated

Day

Month

Year

A copy of the tenancy agreement is attached marked 'A'.

8. Has any subsequent written tenancy agreement been entered into?

☐ Yes

☐ No

If Yes -

The Defendant has been granted

☐ a further tenancy

☐ further tenancies

of the property by way of written agreement(s).

☐ This tenancy was

☐ These tenancies were

granted on the dates listed in the box below

A copy of each such tenancy agreement is attached and marked 'A1', 'A2' etc.

9a. Was the first tenancy and any agreement for it made on or after 28 February 1997?

☐ Yes, **answer questions 9b to 9g**

☐ No

9b. Was a notice served on the Defendant stating that any tenancy would not be, or would cease to be, an assured shorthold tenancy?

☐ Yes

☐ No

9c. Is there any provision in any tenancy agreement which states that it is not an assured shorthold tenancy?

☐ Yes

☐ No

9d. Is the 'agricultural worker condition' defined in Schedule 3 to the Housing Act 1988 fulfilled with respect to the property?

☐ Yes

☐ No

9e. Did any tenancy arise by way of succession under s.39 of the Housing Act 1988?

☐ Yes

☐ No

9f. Was any tenancy previously a secure tenancy under s.79 of the Housing Act 1985?

☐ Yes

☐ No

9g. Did any tenancy arise under Schedule 10 to the Local Government and Housing Act 1989 (at the end of a long residential tenancy)?

☐ Yes

☐ No

10. A notice in writing (under s.21 of the Housing Act 1988), saying that possession of the property was required, was served upon the Defendant(s).

10a. How was the notice served?

10b. On what date was the notice served?

Day

Month

Year

10c. Who served the notice?

10d. Who was the notice served on?

10e. After what date did the notice require the Defendant to leave the property?

Day

Month

Year

You must attach a copy of that notice and mark it 'B'. You can also include any proof of service marked 'B1'.

11a. Is the property required to be licensed under Part 2 (Houses in Multiple Occupation) or Part 3 (Selective Licensing) of the Housing Act 2004?

☐ Yes

is there a valid licence?

☐ Yes

☐ No

You must attach a copy of the licence and mark it 'C'.

☐ No

11b. Is a decision outstanding as to licensing, or as to a temporary exemption notice?

☐ Yes

You must attach evidence of the relevant application, notification, or appeal and mark it 'D'.

☐ No

12. Was a deposit paid in connection with the current tenancy or any prior tenancy of the property to which the Defendant was a party?

☐ Yes

☐ No

13. Has the deposit been returned to the Defendant (or the person – if not the Defendant – who paid the deposit)?

☐ Yes, the deposit was returned on

Day

Month

Year

☐ No

14. If the answer to question 12 is YES, and the deposit has not been returned, a copy of the Tenancy Deposit Scheme Certificate must be attached, marked 'E', and the following questions must be answered:

14a. Has the Claimant given to the Defendant, and to anyone who paid the deposit on behalf of the Defendant, the prescribed information?

☐ Yes

☐ No

14b. On what date was the prescribed information given?

Day

Month

Year

You must attach a copy of the Tenancy Deposit Scheme Certificate and mark it 'E'.

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

☐ Yes, **answer 15a to 15k**

☐ No, **go to question 16**

If Yes –

15a. On what date was the notice served?

Day

Month

Year

15b. Has the operation of the relevant notice been suspended?

☐ Yes

☐ No

If you have answered 'Yes'

(i) has the period of suspension ended?

☐ Yes

☐ No

(ii) on what date did the suspension end?

Day

Month

Year

15c. Has the relevant notice been revoked under s.16 of the Housing Act 2004?

☐ Yes

☐ No

15d. Has the relevant notice been quashed under paragraph 15 of Schedule 1 of the Housing Act 2004?

☐ Yes

☐ No

15e. Has a decision of the local housing authority not to revoke the relevant notice been reversed under paragraph 18 of Schedule 1 of the Housing Act 2004?

☐ Yes

☐ No

15f. Has a decision of the housing authority to take the action to which the relevant notice relates been reversed under section 45 of the Housing Act 2004?

☐ Yes

☐ No

15g. Did the Defendant complain or try to complain about the relevant condition of the property or the common parts to the Claimant before the notice was given?

☐ Yes

☐ No

15h. Is the relevant condition of the property or common parts due to a breach of duty or contract on the part of the Defendant?

☐ Yes

☐ No

15i. Is the property genuinely on the market for sale with intent to sell to an independent person not associated with the Claimant?

☐ Yes

☐ No

15j. Is the Claimant a private registered provider of social housing?

☐ Yes

☐ No

15k. 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?

☐ Yes

☐ No

16. Was a valid energy performance certificate given, free of charge, to the Defendant?

☐ Yes, the Defendant was given the certificate on

Day

Month

Year

You must attach a copy of the energy performance certificate and mark it 'F'.

☐ No

17. Is there any relevant gas fitting (including any gas appliance or installation pipework) installed in or serving the property?

☐ Yes, **answer question 17a, 17b and 17c**

☐ No, **go to question 18**

17a. Was a copy of a valid gas safety record provided to the Defendant before they went into occupation of the property?

☐ Yes

☐ No

17b. Have gas safety records been provided to the Defendant covering all further gas safety inspections carried out during the period of the tenancy?

☐ Yes, the dates of issue of the gas safety records and the dates on which they were given to the Defendant were:

Dates of issue	Dates of service on the Defendant

You must attach copies of the gas safety records provided to the Defendant before the Defendant went into occupation and during the tenancy and mark them 'G', 'G1', 'G2' etc.

☐ No

17c. If there is no relevant gas appliance in any room occupied by the Defendant, has the Claimant displayed in a prominent position in the premises throughout the tenancy a copy of the gas safety record with a statement endorsed on it that the Defendant is entitled to have their own copy of the gas safety record on request to the Claimant at an address specified in the statement?

☐ Yes

☐ No

18. Is the Claimant a private registered provider of social housing?

☐ Yes, **go to question 18a**

☐ No, **go to question 18b**

18a. Has the Claimant complied with Part 3 of the Pre-Action Protocol For Possession Claims by Social Landlords?

☐ Yes

☐ No

18b. Has the Defendant been given a copy of the then current document 'How to Rent: the checklist for renting in England'?

☐ Yes

☐ No, **go to question 19**

18c. When was the document provided?

Day

Month

Year

18d. How was the document provided?

☐ Hard copy

☐ Email, by prior agreement with the Defendant

You must attach copies of the documents relating to compliance by a registered provider of social housing with Part 3 of the Pre-Action Protocol For Possession Claims by Social Landlords OR a copy of the document 'How to Rent: the checklist for renting in England' and mark it 'H'.

19. Has the Claimant required the Defendant (or any guarantor or person acting on behalf of the Defendant) to make a 'prohibited payment' (as defined by section 3 of the Tenant Fees Act 2019 ('the 2019 Act')) contrary to s.1 of the 2019 Act?

☐ Yes, **go to question 19a**

☐ No, **go to question 19b**

19a. Did the Defendant (or any guarantor or person acting on behalf of the Defendant) make such a payment to the Claimant as a result of that requirement?

☐ Yes

☐ No

19b. Was a holding deposit (as defined by paragraph 3(2) of Schedule 1 to the 2019 Act) paid to the Claimant on or after 1 June 2019 in relation to the tenancy?

☐ Yes

☐ No

19c. If the answer to 19a or 19b is Yes, has the prohibited payment and/or holding deposit been repaid in full to the Defendant (or other person from whom the payment was received)?

☐ Yes, **in full** – repayment made on

Day

Month

Year

☐ Yes, **in part** – repayment made on

Day

Month

Year

☐ No

19d. If you answered 'Yes' to either 19a or 19b but the prohibited payment and/or holding deposit has not been repaid in full to the Defendant (or other person from whom the payment was received), has the prohibited payment and/or holding deposit (or, where part repayment has been made, the remainder thereof) been applied, with the consent of the Defendant (or other person from whom the payment was received) towards –

i. payment of rent under the tenancy

☐ Yes

☐ No

ii. the payment of the tenancy deposit?

☐ Yes

☐ No

20. If the Defendant seeks postponement of possession for up to 6 weeks on the grounds of exceptional hardship, is the Claimant content that the request be considered without a hearing?

☐ Yes

☐ No

21. The Claimant asks the court to order that the Defendant

☐ delivers up possession of the property

☐ pays the costs of this claim

Statement of Truth

I understand that 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 without an honest belief in its truth.

- ☐ **I believe** that the facts stated in this claim form and any attached sheets are true.
- ☐ **The Claimant(s)** believe(s) that the facts stated in this claim form and any attached sheets are true. **I am authorised** by the Claimant(s) to sign this statement.

Signature

- ☐ Claimant
- ☐ Litigation friend (where Claimant is a child or a protected party)
- ☐ Claimant's legal representative (as defined by CPR 2.3(1))

Date

Day

Month

Year

Full name

Name of Claimant's legal representative's firm

If signing on behalf of firm or company, give position or office held

Claimant's or claimant's legal representative's address to which documents should be sent, if different from that on pages 2 and 3.

Building and street

Second line of address

Town or city

County (optional)

Postcode

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If applicable

Ref. no.

DX no.

Email

Phone 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

Day

Month

Year

at the address stated on page 5 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 for more information or citizens advice at www.adviceguide.org.uk

Returning the forms

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

Phone:

Fax:

For further details of the courts 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.

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

Attachments

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

- ☐ Copy of the [first] written tenancy agreement marked 'A'
- ☐ Where one or more tenancy agreements have been entered into a copy of each such tenancy agreement marked ('A1' 'A2', 'A3', etc.)
- ☐ Copy of the notice saying that possession was required marked 'B'
- ☐ Proof of service of the notice requiring possession marked 'B1'
- ☐ Copy of the licence issued under Part 2 or Part 3 of the Housing Act 2004 marked 'C'
- ☐ Evidence of any outstanding licence application, notification or appeal under parts 2 or 3 of the Housing Act 2004 marked 'D'
- ☐ Copy of the Tenancy Deposit Certificate, marked 'E'
- ☐ Copy of the Energy Performance Certificate, marked 'F'
- ☐ Copy of the Gas Safety Record(s), marked 'G', 'G1', 'G2' etc.
- ☐ Copy of the documents relating to compliance by a registered provider of social housing with Part 3 of the Pre-Action Protocol For Possession Claims by Social Landlords OR a copy of the document 'How to Rent: the checklist for renting in England' marked 'H'