

Notes for defendant - demotion/suspension claim

Demotion claims

The claimant (your landlord) has asked the court to make an order that will end your tenancy for the premises mentioned in the claim form and replace it with a demoted tenancy on the grounds that you, or a person residing in or visiting the premises, have used or threatened to use anti-social behaviour or use the premises for unlawful purposes. If the court makes a demotion order, this will mean you have to leave your home but it will be much easier to evict you in the future.

You should note that your landlord cannot end your existing tenancy unless the court says that he can; the court will not make a decision before the hearing date. What you do may affect the court's decision. You should therefore take action immediately. These notes explain in more detail what you can do:

You should:

- get help and advice immediately from a solicitor or advice agency (see 'Getting help' below);
- fill in the attached defence form and return it to the court within 14 days of receiving the claim form;
- attend the hearing

What is the effect of a demotion order?

If you currently hold a secure tenancy and the court decides to grant a demotion order, this will end your secure tenancy and so you will lose a number of the rights you currently enjoy. This will include removing your right to buy your home and the right to exchange your home with another tenant.

If you currently hold an assured tenancy and the court decides to grant a demotion order, the terms of your tenancy will become an assured short-hold tenancy. This will remove a number of the tenancy rights you currently enjoy, during the demotion period.

The period of demotion will be for 12 months but may be extended if your landlord serves notice to seek possession of your property during this time.

If at the end of the demotion period your landlord is satisfied with the conduct of your tenancy and has not served notice to seek possession of your property then, depending on the tenancy you currently hold, your tenancy will become either:

- a secure tenancy if your landlord is a local authority or housing action trust; or

- if your landlord is a registered social landlord or a private registered provider of social housing an ordinary assured tenancy.

Suspension claims

If the claimant is claiming a suspension order (see claim form), and the court makes such an order, it would mean that during the period of suspension you could not exercise your right to buy the premises. The court decides the length of the suspension. On the application of the claimant, the court may make an order extending the period of suspension on the grounds of anti-social behaviour which has arisen since the making of the suspension order.

Getting help

You should get help and advice immediately from a solicitor or an advice agency. This is particularly important whether or not you disagree with the claim since these notes cannot cover every different type of tenancy. You may qualify for help with the costs of legal advice or getting someone to speak or negotiate for you from Civil Legal Aid. For further information please refer to www.gov.uk/legal-aid Court staff can only help you complete the defence form and tell you about court procedures. **They cannot give legal advice.**

Replying to the claim

Although you should normally fill in the defence form and return it to the court within 14 days, the court will accept your defence at any time before, or even at, the hearing. You should note, however, that if you do return the form after the 14-day period, the court may order you to pay any costs caused by the delay.

Registration of judgment

If a county court makes a money judgment (e.g. for costs) your name and address will be entered in the Register of County Court Judgments if the claimant has to take steps to enforce the judgment. This may make it difficult for you to obtain credit.