

# HEARING CHECKLIST

## Section 8 Possession Proceedings - Ground 8 (Rent Arrears)

<b>Property:</b>	2 Low Road London SW1A2BB
<b>Tenant:</b>	Tina Tenant
<b>Hearing Date:</b>	<i>[Enter when notified]</i>
<b>Court:</b>	Central London County Court

### BEFORE THE HEARING (14+ days before)

File court bundle with the court (at least 14 days before hearing)

Include 3 copies: court, defendant, yourself

Serve court bundle on the defendant

Keep proof of service for the hearing

Update Schedule of Arrears to current date

Ground 8 requires arrears at BOTH notice date AND hearing date

Confirm the arrears still meet Ground 8 threshold (2 months/8 weeks)

If arrears have fallen below threshold, Ground 8 may fail

Check if tenant has filed a defence or made any payments

Contact the court to check for filed documents

### DAY BEFORE THE HEARING

Confirm hearing time and court location

Check any emails from the court for last-minute changes

Prepare final arrears figure (up to day before hearing)

You'll need to tell the judge the exact current arrears

Prepare a brief summary of your case (1-2 minutes speaking time)

Gather all original documents

Court may ask to see originals, not just copies

Plan your journey to arrive 30 minutes early

## DOCUMENTS TO BRING

Court bundle (your copy)

Original tenancy agreement

Original Section 8 Notice

Original Proof of Service certificate

Updated Schedule of Arrears (to hearing date)

Bank statements showing rent account

Any correspondence with the tenant

Photo ID (passport or driving licence)

Proof of ownership (if challenged)

## AT THE HEARING

Arrive 30 minutes before your slot

Check in with the court usher

Wait in the appropriate waiting area

Speak clearly and address the judge as "Sir" or "Madam"

Be prepared to state the current arrears figure

The judge will ask: "What are the arrears as of today?"

If tenant offers to pay or proposes a payment plan, be ready to respond

Ground 8 is mandatory IF threshold met, but judge may adjourn

### Ground 8 Key Points for the Hearing

- **Threshold:** At least 2 months' rent (or 8 weeks' for weekly tenancies) must be unpaid
- **Both dates matter:** Arrears must meet threshold at notice date AND hearing date
- **Mandatory ground:** If threshold is met, judge MUST grant possession order
- **No discretion:** Judge cannot refuse on grounds of reasonableness or hardship

- **Payment before hearing:** If arrears fall below threshold before hearing, Ground 8 fails

### **Important Warning**

If the tenant pays enough to bring arrears below the 2-month threshold before the hearing, Ground 8 will fail. You should also rely on Ground 10 (discretionary arrears ground) as a backup.

## **AFTER THE HEARING**

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Note down exactly what order the judge made

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Request a sealed copy of the possession order

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Note the date by which possession must be given

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If tenant doesn't leave by date, apply for bailiff warrant

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Keep all documents for at least 6 years

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*This checklist is for guidance only. Consider seeking legal advice for your specific situation.*