

# SECTION 21 ACCELERATED POSSESSION

## Hearing Preparation Checklist

**About the Accelerated Procedure:** Section 21 claims using Form N5B are decided under the "accelerated possession procedure" (CPR 55.11-55.19). This means:

- The court will usually decide the claim on paper, without a hearing
- A hearing will only occur if the defendant responds and requests postponement
- You cannot claim rent arrears in the N5B - only possession
- If you need to attend a hearing, it will be for the judge to consider any defence raised

**Case Number:** *[To be assigned]*  
**Claimant:** Alex Landlord  
**Defendant:** Tina Tenant  
**Property:** 2 Low Road London SW1A2BB  
**Hearing Date:** *[If required - to be notified by court]*

### 1 Understanding the Process

#### How Section 21 Accelerated Possession Works

1. **File N5B:** You submit Form N5B with all required documents to the court
2. **Service on Defendant:** The court serves the claim on the defendant
3. **Defendant Response Period:** The defendant has 14 days to respond
4. **Paper Decision:** If no response, the judge decides the claim on paper
5. **Hearing (if needed):** If the defendant requests postponement, a hearing may be listed
6. **Possession Order:** If granted, the order gives a date for the tenant to vacate

## 2 Before Filing Checklist

### Form N5B Completion

- ☐ **All questions answered on N5B**  
Questions 9a-9g (AST verification), Q10 (notice details), Q12-14 (deposit), Q15-18 (compliance), Q19 (Tenant Fees Act)
- ☐ **Statement of Truth signed**  
The declaration confirming all facts are true and accurate
- ☐ **Court fee paid**  
Current fee is £355 (check HMCTS website for updates)

### Required Attachments

- ☐ **Tenancy Agreement (marked A)**  
First written tenancy agreement, signed by both parties
- ☐ **Section 21 Notice - Form 6A (marked B)**  
Completed prescribed form with correct notice period
- ☐ **Proof of Service (marked B1)**  
Evidence of how and when notice was served
- ☐ **Deposit Protection Certificate (marked E)**  
If deposit was taken - certificate from DPS/TDS/MyDeposits
- ☐ **EPC (marked F)**  
Energy Performance Certificate provided to tenant
- ☐ **Gas Safety Certificate (marked G)**  
Current CP12 certificate provided to tenant
- ☐ **How to Rent Guide (marked H)**  
Evidence current version was provided at tenancy start

## 3 If a Hearing is Required

### When a hearing may be listed:

- The defendant responds and requests postponement of the possession date
- The defendant raises a defence (e.g., notice invalid, non-compliance)
- The judge requires clarification on any issue
- There is a dispute about the facts in the claim

### Hearing Preparation

- ☐ **Bring original documents**  
Original tenancy agreement, notice, certificates - the court may want to see originals
- ☐ **Bring court bundle copies**  
One for you, one for the judge, one for the defendant if they attend
- ☐ **Review defendant's response**  
Understand what defence or arguments they have raised
- ☐ **Prepare to address any compliance issues**  
Be ready to explain how you complied with all statutory requirements

## 4 Common Defences to Section 21

### Be prepared to address:

- ☐ **Deposit protection compliance**  
Deposit protected within 30 days, prescribed information served within 30 days
- ☐ **Gas safety compliance**  
Certificate provided before occupation and annually thereafter
- ☐ **EPC compliance**  
Valid EPC provided to tenant at or before tenancy start
- ☐ **How to Rent guide compliance**  
Current version provided at tenancy start (for tenancies after 1 October 2015)
- ☐ **Notice validity**  
Correct form used, correct notice period given, served correctly
- ☐ **Tenant Fees Act compliance**  
No prohibited fees charged, or all refunded

## 5 After Possession Order Granted

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### Next Steps



#### Note the possession date

The order will specify a date by which the tenant must leave (usually 14 days)



#### Serve the order on tenant

Send a copy of the possession order to the tenant



#### Apply for warrant if needed

If tenant doesn't leave, apply to court for a warrant of possession (Form N325)



#### Bailiff enforcement

Only county court bailiffs can physically evict - NEVER use self-help remedies

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**Generated:** 7 February 2026

**Landlord Heaven** | Section 21 Accelerated Possession Hearing Checklist