

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 SW1A 2BB

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

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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