

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: Tariq Mohammed
Defendant: Sonia Shezadi
Property: 16 Waterloo Road Pudsey LS28 7PW
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

Generated: 21 January 2026

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