

# 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

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