



COVENTRY LAW CENTRE

HOUSING LAW LEAFLETS

RENTAL POSSESSION PROCEEDINGS

This leaflet is intended to assist those persons whose landlords are taking proceedings for possession against them due to rent arrears.

Seeking Advice & Assistance

This leaflet is intended to give general guidance only and is not to be treated as giving specific advice in respect of particular cases.

If you would like advice from Coventry Law please contact:

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RENTAL POSSESSION PROCEEDINGS

What happens once proceedings are issued?

Once your landlord has issued a Summons against you then the matter will be given a hearing date. The case will normally be heard at the local County Court. It is likely that the landlord will either attend in person or be represented by a solicitor. If your landlord is a council or housing association then usually an employee of that organisation will attend with a solicitor. You should also attend the hearing.

What might the Court decide?

This depends to a certain extent on what type of tenancy you have. The Court will normally consider whether or not they should make an outright possession order against you which will specify a date when you will be required to leave the property. If they do not do this then they may make a suspended possession order. This would enable you to remain at the property so long as you complied with the terms of the Court Order. Typically, in such a case the Court would order you to pay current rent together with a fixed weekly or monthly sum off the arrears. The Court also has powers to adjourn proceedings or dismiss the proceedings if they do not think any form of possession order is appropriate.

In some cases where there are more than 8 weeks rent arrears the Court will have no choice but to make an outright possession order.

What will the Court wish to know?

This may vary depending on the type of tenancy you have. However, normally the Court would be interested to establish why arrears have accrued and whether or not those arrears can be discharged within a reasonable time. Prior to attending the hearing, you should prepare yourself to be in a position to explain to the Judge why the arrears have accrued and to demonstrate that you will be able to resume paying your current rent plus something off the arrears. If there has been any improvement in your financial circumstances then it would be helpful to bring evidence of that to the hearing. Evidence of an increase in wages, a new job or the award of housing benefit may well be of assistance to you.

What if I am unable to pay off the arrears?

In this situation it is unlikely that the Court could take any steps other than making an outright possession order unless there was some strong suggestion that your financial situation was likely to improve significantly within a short period of time.

Will I have to pay Court costs?

Normally it is the case that if a suspended possession order is made against you, you will be liable for your opponent's legal costs. Indeed, even if the arrears have all been paid off prior to hearing, the Court might well make an Order for costs against you if they are satisfied that it was appropriate for your landlords to issue proceedings in the first place.

What happens if an outright possession order is made against me?

If this happens then the Order will specify a date when you have to leave the property. If you do not leave at that time then it will be open to your landlord to issue a possession warrant. This will mean that at some point local County Court Bailiffs will call to evict you. They will give you written notice of the date for the eviction. If this happens then you should immediately seek advice from a Law Centre,

advice agency or solicitor regarding re-housing. You may also wish to present yourself as homeless to the Local Authority.