

Q&A: Understanding the current situation with possession claims

1. I would like my tenants to leave – can anything be done right now?

- Yes. You can serve a Section 21 notice (to end the tenancy) or a Section 8 notice (if owed arrears or for other serious breaches)
- Some notices served on or after 29th August 2020 will require you to provide up to 6 months' notice before commencing legal action. Govt. has recently introduced these changes and there are limited exceptions when you might be able to provide shorter notice to your tenants (for example, if owed at least 6 months' rent arrears in which case you can serve a Section 8 with 4 weeks' notice)
- Call us on **0333 321 9415 (option 1)** and our team will send you the Step 1 forms to serve notice

2. When is the suspension on possession claims due to end?

- Currently all possession claims are suspended until 20 September 2020
- The Government has confirmed all possession claims will resume after 20 September 2020 ([Click here](#) for further information)

3. I already served a notice and my tenants have not left – can I apply to the court for a possession order?

- Yes. You can apply to the court for a possession order
- Although all possession claims are suspended until 20 September 2020 you can request us to submit your claim to court to join the queue of cases to be processed
- The earlier you apply, the greater your chances of having your case considered by the court once the suspension is lifted
- Call us on **0333 321 9415 (option 2)** and our team will send you the Step 2 forms to begin your claim

4. After serving notice, when must I start the possession claim?

- If you served a Section 21 notice before 29th August, you must commence your claim within 6 months from the date it was served on your tenant(s)
- For a Section 21 notice on or after 29th August, the Government has recently introduced an extended period of 10 months within which you must commence your claim from the date notice was served
- For a Section 8 notice, within 12 months from the date it was served
- If you do not start your claim within this timeframe, your notice will expire, and you will need to serve a new one

5. Once the suspension is lifted on 20 September 2020 – will I need to call Landlord Action or the court for an update?

- No. As there is likely a large backlog of cases to be considered by the court, there will probably be significant delays on your ongoing claim
- We will contact you as soon as we hear anything from the court. Your case is in safe hands and rest assured we will do everything possible to ensure you do not experience further delays

6. Will my possession claim be considered a priority once the suspension is lifted?

- No. We understand you might be owed significant rent arrears or have tenants causing anti-social behaviour, but unfortunately the Government has not confirmed whether cases such as these will be processed as priority
- We will contact you as soon as we hear anything from the court
- In the meantime we recommend that you continue to engage with your tenants in the hope they are able to pay arrears or change their behaviour to stop anti-social activities

7. My possession claim was started before COVID-19 – will my case be heard as a priority?

- As above, the Government has not confirmed whether pre-COVID-19 cases will take priority over new cases submitted during the suspension
- We will contact you as soon as we hear anything from the court

8. Is there a way to speed up my possession claim?

- No. Unfortunately, all possession claims are treated the same and there is no special procedure for the court to consider your claim as a priority
- We will contact you as soon as we hear anything from the court

9. When will bailiffs resume evictions/enforcement?

- There is no update from Govt. of when Bailiffs are likely to resume carrying out evictions/enforcement. At present, it can only be assumed Bailiffs will commence operations on 21st September 2020
- If you have already applied for a bailiff, we will write to you as soon as we receive confirmation of the appointment
- If you have obtained a possession order previously and require a bailiff to evict your tenants, you could consider High Court enforcement officers as an alternative. You might have a better chance of receiving an earlier appointment compared with a County Court bailiff
- If interested, please contact our team on **0333 321 9415 (option 2)** to discuss costs and the process involved

10. What can I do to help apply pressure on the Government to help landlords?

- Our founder, Paul Shamplina, and Landlord Action have been working hard to apply pressure on the Government to provide help and support landlords
- You can help join the effort by lobbying your local MP to support measures which benefit landlords ([Click here](#) for further information)

11. Tenancy mediation

- Resolving differences with your tenants and reaching a satisfactory conclusion to issues being faced remains as important as ever
- We recommend the use of the PRS Mediation Service to help you resolve matters directly with your tenant. More information is available [here](#)
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