

## Notes for defendant - rented residential premises claim

The claimant has asked the court to make an order that you give up possession of the premises mentioned in the claim form. You should note that no-one can evict you from the premises unless the court says that they can; the court will not make a decision before the hearing date. What you do may affect the court's decision. You should therefore take action immediately. These notes explain in more detail what you can do.

You should:

- get help and advice immediately from a solicitor or advice agency (see 'Getting help' below);
- fill in the attached defence form and return it to the court within 14 days of receiving the claim form;
- attend the hearing, even if you have agreed about repayment of any arrears with your landlord.

### What will happen at the hearing?

A judge will decide whether or not to make an order for possession. In making this decision, the judge will take account of the information provided by the claimant. The judge will also take account of any information you provide, such as details of your personal and financial circumstances, any proposal you have made to pay off any arrears, and any

dispute you have about the amount owing. But the judge can only take the information into account if you provide it. Fill in these details in the defence form and attend the hearing. It is in your best interests to do both.

### What kind of orders can the judge make?

Depending on the type of your tenancy the judge may:

- decide not to make an order for possession;
- make an order for possession but suspend it. This means that you will not have to give up possession so long as you can pay off any arrears in a reasonable time (the judge will decide how long) and pay the rent as well;
- make a possession order for some future date to allow you time to move out or find somewhere else to live; or
- make an order that you give up possession a very short time ahead.

If the claimant is claiming **demotion of tenancy** (see paragraph 11 of the particulars of claim), the judge can make a demotion order **instead** of a possession order. A demotion order means that your current tenancy will be replaced with a demoted tenancy. During the period of demotion (usually 12 months) you will lose a number of