

# The eviction process



## Eviction

Finding out that you are going to be evicted can be very stressful. It is important that you know and understand your legal position. You can then decide on your next steps.

### Eviction step by step

There are different stages that need to be followed. This depends on the tenancy agreement you have as well as being a social private tenant. If you are a private tenant with an assured short hold tenancy, your landlord may be able to use slightly quicker procedure than the one that social landlords must follow. In most cases the following steps will take place.

#### Written notice of seeking possession (NSP)

At this stage, your landlord is informing you in writing of their intention of seeking possession of the property you occupy, and they give you grounds (reasons) for their action.

There are some legal requirements that must be satisfied for a notice to be valid when served in relation to ending a tenancy or licence. You can contact your local Citizens Advice or Local authority housing department to find out if you have been served a correct notice.

Getting a notice seeking possession doesn't always mean you will have to leave your home. Your landlord still has to get a court order before they can evict you and they can't apply for a court order until the notice period has run out.

If, however you are an occupier with basic protection such as:

- you're a property guardian
- you're a student in halls of residence
- your employer provides the accommodation
- your landlord lives in the same building but in a separate flat

You have fewer rights than most other tenants.

#### Applying for a court order

Most landlords need a possession order from the court before they can evict a tenant. This might not be the case if you are an assured-short hold tenant or if you live with your landlord.



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## Defence form

Defence form is your chance to put your points across to the Judge. You must complete and return it within 14 days. You can use it to explain your situation and provide your own evidence. It is best to obtain professional housing advice either from Citizens Advice or Shelter on how to complete your defence form as this might have significant impact on the outcome of the court hearing.

## Court hearing

At a possession hearing the court decides if a tenant should be evicted and what court order to make. This could be an outright eviction order or a suspended eviction order subject to certain conditions, such as for example paying an agreed amount of money towards rent arrears each month. If you break the terms of this agreement, your landlord can bring the case back to court.

The court can allow you stay in your home if it's affordable and you have a realistic plan to repay any arrears over time. A court may not be able stop the eviction of a private tenant, but it can sometimes agree to delay the eviction. A judge will hear the case at a court hearing. The hearing is your opportunity to explain your situation and present your evidence.

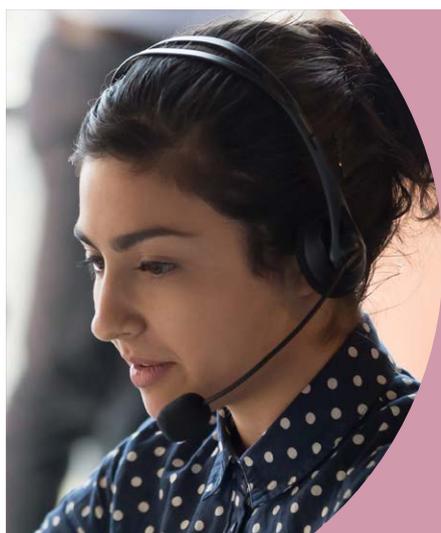
## Bailiffs

Your landlord can ask the court for an eviction warrant if you don't leave by the date set out in the possession order. You get notice of the time and date of the eviction on a court document called Form N54. The bailiffs (sometimes called enforcement officers) post or deliver the form by hand.

Only a court can send bailiffs to evict you from your home and give back the empty property to the landlord. Bailiffs must give you 2 weeks' notice of an eviction date.

## Emergency housing

In most cases, if you are evicted due to rent arrears you are likely to be considered intentionally homeless and your local authority might not have a duty to house you permanently. However, if you have dependent children, disability or are otherwise classed as being in a 'priority group', you might be given a temporary accommodation which will give you more time to find alternative accommodation.



The Licensed Trade Charity are available 24/7, if you'd like to talk about your situation, we can help you. Contact us for confidential, free of charge support. If you are experiencing any of the issues covered in this fact sheet, in the first instance call our helpline on:

**0808 801 0550**

Our Helpline Team will listen without judging and will work with you as best they can to achieve a positive outcome. If you prefer, you can email: [enquiries@ltcharity.org.uk](mailto:enquiries@ltcharity.org.uk) or visit our website at [www.licensedtradecharity.org.uk](http://www.licensedtradecharity.org.uk), it's full of useful information about the kind of issues we know people who work in the licensed trade face.

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**Note:** This guide is not exhaustive. It has been produced by the Licensed Trade Charity to provide you with an overview of the issue in question. We are grateful to all specialist organisations who support our charity and are available to you should you be experiencing this particular issue.  
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