

# Possession proceedings: going to court

**This factsheet advises on what you should do when your landlord starts the eviction process and looks at what happens in court.**

The eviction process starts with your landlord giving you written notice to leave your home by a certain date.

Your landlord must then apply to court for a possession order to evict you. You have the right to stay in the property until the court makes an order telling you to leave and the bailiffs have a warrant to evict you.

Your landlord doesn't need to apply to court if you're a lodger.

## Get advice

A housing adviser or solicitor can help check if your notice is valid and submit a defence to court if you have one. If you're on a low income or in receipt of benefits, you could get free help through legal aid.

You can get free advice from a court duty adviser on the review date and at the possession hearing.

## When your landlord applies to court

The court will send you a letter giving you details of your landlord's claim.

You'll also be sent a defence form to complete. This is your chance to explain why you think that you should be allowed to keep your home. You may have a defence so get advice as soon as possible.

## Review date

The court can decide whether to set a review date for your case when your landlord applies to court. You'll get a written notice to tell you when this is.

You can contact a court duty adviser by phone on the day to get free legal help.

## The court hearing

The court hearing will usually be 4 weeks after the review date. You'll get a notice from the court with the time and date.

You should always attend the hearing if you can. Let the court know if there's a very good reason why you can't go. For example, if you're seriously ill.

## What you should bring with you

Bring along your claim form and notice.

Take the bundle of documents you received before the review.

Bring any other relevant paperwork such as:

- your tenancy agreement
- letters about your income, including any benefits you get or have applied for
- evidence of any disrepair in the property
- medical letters if you haven't been well
- evidence of your rent payments

## Going to court

You should go to the hearing in person unless everyone has agreed to a remote hearing by phone or video.

Check in with the court staff when you arrive. Don't be late or your case could be decided before you arrive.

## Who will be there?

The possession claim is usually heard in front of a judge in private. Normally only you, your landlord and any legal representatives can attend.

## What happens in the hearing?

Most hearings take less than 15 minutes. The judge will look at the evidence from you and your landlord and make a decision.

Your landlord or their representative will speak first. You or your adviser can respond.

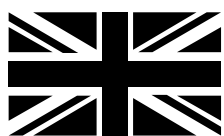
You should call the judge 'sir' or 'madam'. Be polite and try not to interrupt. Keep your phone on silent.

Once the judge has heard the case they may make an order for possession, adjourn (postpone) the hearing to another date, or dismiss the claim.

## Further advice

You can get further advice from [england.shelter.org.uk/housing\\_advice](https://www.england.shelter.org.uk/housing_advice), a local Shelter advice service or local Citizens Advice.

If you have nowhere to sleep tonight, are at risk of harm or losing your home within the next 2 months, call Shelter Helpline on 0808 800 4444 for advice and information on your options. Calls are free from UK landlines and main mobile networks.



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