Case preparation and how possession proceedings in the county court

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hqn TRAINING

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1 Message from Aisha

Hello

Thanks for attending.

Attached;

- Slides
- Word copy of the income preaction for
- The ASB/breach of tenancy Equality and proportionality form

Possession orders 6 years;

A landlord must apply for the court's permission to issue a warrant of possession more than six years after the possession order or money judgment was made.

If a landlord wants to enforce an order beyond the six-year time limit, they need to apply for permission of the court under the Civil Procedure Rules - CPR 83.2 using Form N244, and they need to show valid reasons for the delay in seeking enforcement in a supporting witness statement.

The application for permission is normally made without notice to the tenant. This means the landlord's application for permission to enforce might end up being granted without the tenant having an opportunity to be heard. The court can direct that the application should be served on the tenant and dealt with at a hearing.

The court should not grant permission to enforce a court order outside the time limit unless there are exceptional circumstances to justify it.

In deciding whether to give permission outside the general six-year time limit, the court is likely to consider:

- whether it is 'demonstrably just' to allow enforcement
- whether there is any prejudice to the defendant in doing so
- what takes the case 'out of the ordinary'
- how long ago the order was made
- what steps the claimant has taken to recover the arrears since then
- what changes of circumstances have occurred
- what payments have been made, particularly in recent months

Breathing space guidance; Debt respite scheme (breathing space): Guidance on mental health crisis breathing space - GOV.UK (www.gov.uk)

Thanks
Aisha

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