



# RESIDENTIAL LETTINGS NEWS



## WELCOME!

With everything else going on, it is easy to miss changes that creep up on property professionals and landlords. Those of us who have worked in the residential lettings sector for the past few years will tell you that we are used to seeing changes every 5 minutes! We hope you find this update useful.

## SIX MONTH BAN ON EVICTIONS COMES TO AN END, BUT WHAT DOES THE FUTURE HOLD?

On 20th September 2020, the pause on possession claims introduced in late March (finally) came to an end. Courts across the country are back up and running and are beginning to organise and plough through the vast backlog that has built up.

Property lawyers and professionals have been kept on their toes and are getting to grips with a whole host of new rules that have been introduced over the past month.

For s21 possession claims, the notice period continues to be six months (previously two months before the outbreak of COVID-19).

For s8 claims, as of late August 2020, the notice period required varies depending on the circumstances. For example, if there are rent arrears of less than six months, the required notice period is six months. If there are rent arrears of six months or more, the required notice period is four weeks.

Whilst this provides a degree of comfort to landlords in circumstances where rent arrears preceded the outbreak of COVID-19, the reality is that the backlog in possession claims is now so big that they may not regain possession of their property for many months, by which point the rent arrears may be one year or more.



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## PROTECTION FROM EVICTION OVER CHRISTMAS

The Government has announced that bailiffs will not be carrying out evictions between Friday 11 December 2020 and Monday 11 January 2021.

In previous years before the outbreak of COVID-19, bailiffs did not carry out evictions during the week of Christmas itself, but this has now been extended to a period of one month. The Government have called this the “winter truce” and say that this is to ensure “struggling households are not forced from their homes over the Christmas period”.

Whilst this will undoubtedly provide some comfort to families who are financially struggling and facing eviction, it may also serve to increase the significant backlog that has already accrued during the six month moratorium, and ultimately may be another measure designed to delay the inevitable.

## REACTIVATION NOTICES GALORE!

From 21st September, landlords who issued a possession claim prior to 3rd August 2020 will have to complete a “reactivation notice” in order to inform the Court and the tenant that they wish to continue with their claim. Landlords must do this by 29th January 2021, otherwise the claim will automatically be stayed (i.e. paused).

The Government has provided a template reactivation notice on their website. Using this notice, landlords are required to:-

- a) Set out any knowledge they have about the effect of the Coronavirus pandemic on the tenant and their dependants. The template reactivation notice states “If you have no knowledge you could consider taking reasonable steps to find out before using this Notice”. It seems that making enquiries is suggested but is not required by the rules.
- b) Provide a rent account for the previous two years if the claim relates to rent arrears.
- c) Give details of any relevant factors which may mean the case should be given priority consideration. A list of the various factors is in the reactivation notice and includes anti-social behaviour and unlawful subletting.

The reactivation notice must then be served on the tenant and filed with the Court. Landlords are also encouraged to inform the court about the impact that COVID-19 has had on them. In particular, landlords should give brief details of the hardship they have faced, and confirm whether they have received assistance under a COVID-19 scheme.

## NEW S21 CLAIM FORM INTRODUCED... AND IT CONTINUES TO BE MORE PRESCRIPTIVE THAN EVER

A new claim form for s21 possession claims (Form N5B) has been released and is available on the Government's website. This follows a bizarre month in which the old claim form had been removed and was no longer available, but no new claim form had been released in its place!

Whilst the changes introduced this month are relatively subtle, this 20 page claim form is highly detailed and requires a lot of information and documentation. Whilst many landlords with managing agents are able to rely on them and their records for assistance, some landlords may slip up where they do not have a managing agent assisting and/or their record-keeping is not at it should be..

Our advice is always to maintain comprehensive records throughout the tenancy documenting which documents were given to the tenant, when and how. It might also be prudent to review the s21 claim form prior to serving a s21 notice so that you can establish if there are any gaps and rectify any issues prior to serving the s21 notice (if possible to do so).

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/916662/n5b-eng.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/916662/n5b-eng.pdf)

If you would like to discuss or need any help or support on any of the issues above then please contact the Machins' Property Litigation Team on 01582 514 000.

We offer fixed fees for s21 and s8 possession claims up to and including the first possession hearing. Please email Holly Baker for a copy of our fixed fee schedule or to find out more.



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Machins Solicitors LLP have offices in Berkhamsted and Luton. We are one of the leading law firms in Hertfordshire and Bedfordshire and recognise the need to establish a proper relationship with our clients which allows us to understand individual requirements and to give effective practical advice in a pragmatic, cost effective way. We provide specialist advice and assistance both for businesses and individuals.