



Ministry of Housing,
Communities &
Local Government

Considering the case for a Housing Court

A Call for Evidence



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Introduction

1. According to the English Housing Survey¹, in 2016-17 there were an estimated 23.1 million households in England. The number of private rented sector households has doubled since 1996-97 and the sector currently accounts for 4.7 million (or 20%) of households. The social rented sector accounted for 3.9 million households and the remainder were owner occupiers. There were also an estimated 4.3 million leasehold dwellings in England in 2016-17².
2. The government is committed to ensuring that everyone, whether they rent or own their home, has a safe, secure place to live. The government recognises the important role that private landlords play in supporting the UK economy and providing homes to millions of people around the country. The government is taking steps to deliver a fairer, high quality and more affordable private rented sector in which tenants are protected. We have recently introduced banning orders and a database of rogue landlords and agents to make it easier for local authorities to act against them. Other action the government is taking includes:
 - requiring all landlords (as well as agents) to be members of a redress scheme so that tenants have quick and easy resolution to disputes;
 - ensuring all letting agents are registered and are members of a client money protection scheme to provide assurance to tenants and landlords that their agent is meeting minimum standards;
 - banning letting fees to tenants and capping tenancy deposits to ensure that tenants have more money in their pockets; and
 - consulting on the benefits of and barriers to landlords offering longer tenancies in the sector.
3. Tenants, landlords and agents can bring a range of housing issues to the courts or First-tier Tribunal to resolve disputes and enforce their rights. However, concerns have been raised that this does not always work as effectively as it could. Tenants and landlords have suggested that it can be difficult for them to navigate bringing a case to court without support. We want to explore ways of reducing delays and improving the service for all users who bring housing cases to the courts and tribunal services.
4. The government is committed to leasehold reform. Last year the government set out a package of measures to tackle unfair practices in the leasehold market and promote transparency and fairness for both leaseholders and freeholders. This includes a ban on the unjustified use of leasehold for new houses and a reduction in ground rents for both houses and flats to a peppercorn.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705821/2016-17_EHS_Headline_Report.pdf

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/750925/Estimating_the_number_of_leasehold_dwellings_in_England_2016-17.pdf

5. Following this, on 15 October 2018 the government published a technical consultation on how to implement the government's reforms to the leasehold system in England³. This consultation marks the next step in the government's commitment to tackle excessive and unjustifiable practices in the leasehold sector, making homeownership fairer for all. The consultation closes on 26 November 2018.
6. We are also working with the Law Commission to support existing leaseholders - including making buying a freehold or extending a lease easier, faster, fairer and cheaper, making the Right to Manage process more accessible and reinvigorating the commonhold tenure.
7. Leaseholders have a well established suite of protections which enable them to access the First-tier Tribunal (Property Chamber) to enforce their rights. Leaseholders may bring a range of issues and disputes to the tribunal for resolution, including leasehold enfranchisement and lease extensions, liability to pay services charges and whether they are reasonable, variation of leases and the acquisition of the Right to Manage. We are aware that concerns have been raised about the ability of leaseholders to access the tribunal to enforce their rights effectively. The importance of the tribunal to leaseholders has been heightened following the tragedy at Grenfell Tower and the focus on issues surrounding financial liability for the costs of interim safety measures and remediation.
8. The government is also consulting on approaches to improve fairness, quality and safety for those living in social housing. The social housing green paper⁴ was published in August 2018. The green paper seeks views on social housing residents having a stronger voice to influence decisions and also aims to explore how the current complaints process can be reformed so that it is quicker and easier; especially when dealing with safety concerns.
9. In February 2018, we published a consultation on strengthening consumer redress in the housing market to look at how we could make things clearer and simpler for all housing consumers, including a number of options for streamlining dispute resolution services⁵. The consultation set out to respond to concerns that the current processes for making complaints or seeking redress for housing problems are confusing and fragmented. It therefore looked at streamlining redress schemes and considered options for doing so. We will publish our response to the consultation in due course.
10. The government wants to explore whether a specialist Housing Court could make it easier for all users of court and tribunal services to resolve disputes, reduce delays and to secure justice in housing cases. The potential of establishing a Housing Court has been raised by some members of the judiciary⁶. Presently, housing cases are

³<https://www.gov.uk/government/consultations/implementing-reforms-to-the-leasehold-system>

⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733605/A_new_deal_for_social_housing_web_accessible.pdf

⁵https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/684843/Strengthening_Redress_in_Housing_Consultation.pdf

⁶ See <https://www.judiciary.uk/announcements/speech-by-sir-geoffrey-vos-chancellor-of-the-high-court-professionalism-in-property-conference-2018/> and <https://www.judiciary.uk/wp-content/uploads/2011/03/final-interim-report-cjc-wg-property-disputes-in-the-courts-and-tribunals.pdf>

heard in a range of settings. The First-tier Tribunal (Property Chamber) deals with a variety of specialised housing and property disputes. However other housing cases, including possession cases and claims for disrepair and dilapidations, are heard in the county court (Annex B provides further detail). The processes and procedures involved can often be confusing for tenants, landlords and property owners in leasehold cases.

11. In October 2017, the Secretary of State for Housing committed to consult with the judiciary on whether a new, specialist Housing Court could help to address these concerns. This Call for Evidence delivers on that commitment, but we also want to hear from all users of the courts and the property tribunals, such as individual owners, landlords, tenants and advice service providers.
12. This Call for Evidence has been developed with officials from the Ministry of Justice and Her Majesty's Courts and Tribunals Service as well as members of the judiciary as part of a Ministry of Housing, Communities and Local Government working group.
13. This Call for Evidence is in four parts:
 - Part 1: The private landlord possession action process in the county court
 - Part 2: Enforcing a possession order
 - Part 3: Access to justice and the experience of court and tribunal users
 - Part 4: The case for structural changes to the courts and the property tribunal
14. Whilst housing policy is devolved, the jurisdiction of the county court is England and Wales. We will work closely with the Welsh Government to ensure that any changes to the current functions of the county court take account of devolved policy in Wales.

Part 1: The private landlord possession action process in the county court

Background

15. Evidence suggests that in the majority of cases landlords do not experience difficulties in recovering their property from tenants. The 2016-17 English Housing Survey Private Rented Sector report found that only a tenth (10%) of private tenants, when asked about their most recent move, said that they were asked to leave or were given notice by their landlord⁷.
16. However, we are aware of concerns about the process for gaining possession through the courts where this becomes necessary. Landlord groups argue that a barrier to longer tenancies in the private rented sector is the belief that it is difficult for landlords to repossess their properties quickly and smoothly if the tenant defaults on their tenancy agreement and forces the landlord to apply to the court for possession. Residential Landlords Association data suggests that the primary reason for landlords removing a tenant is rent arrears, accounting for 62% of removed tenants⁸. Data from the 2016-17 English Housing Survey suggests that 9% of private rented sector tenants were either currently in arrears or had been in the last 12 months⁹.
17. We recognise that landlords need reassurance that there are effective remedies if a tenant persistently fails to pay their rent. The length of time and costs incurred in pursuing a repossession case through the courts are regularly cited as a principal barrier to longer tenancies by landlords and their representative bodies¹⁰.
18. Concerns about delays are, in part, informed by data which showed that claims for landlord possession, from the issue of proceedings to bailiff eviction, had previously taken 43 weeks on average. However, this headline figure includes both social and private landlord cases. Taking private landlord possession cases in isolation, the median average time taken to progress from a claim to possession by county court bailiff is 16.1 weeks.¹¹
19. While the average time taken for private landlords to gain possession is far less than previously thought, we understand that for a minority of landlords it can sometimes take longer than the average and can be burdensome. For example, a landlord could be required to serve notice, apply to the court for a possession order, seek

⁷https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/723880/Private_rented_sector_report.pdf

⁸ <https://research.rla.org.uk/wp-content/uploads/impact-taxation-reform-landlords-2018.pdf>

⁹ English Housing Survey Headline Report, 2016-17 <https://www.gov.uk/government/statistics/english-housing-survey-2016-to-2017-headline-report>

¹⁰ <https://www.landlordnews.co.uk/rla-new-housing-court-landlords-tenants/>

¹¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/754480/Mortgage_and_Landlord_Possession_Statistics_Jul-Sep_18.pdf

enforcement through the courts and then wait until bailiffs are able to attend before recovering their property.

20. We are also aware that a landlord's decision to seek possession often comes after a protracted period of forbearance with the tenant in which they typically agree for the tenant to pay less than the normal amount of rent (or sometimes no rent at all) whilst they rearrange their finances. More experienced landlords with large numbers of properties are better prepared to take action promptly, whilst landlords with one property (who make up 78% of landlords in the sector¹²) are not. They are often unaware of the options available to them and they need time to research the options before taking action. In both these scenarios, additional time is added during which rent arrears can build up before the formal court process begins. This adds to landlords' perception of delays.
21. To address concerns about the challenges faced by landlords navigating the court process, officials from the Ministries of Justice and Housing, Communities and Local Government are examining the information and guidance available to ensure that it meets all user needs.
22. In considering what could improve the service for all court users on possession cases as well as considering whether a new Housing Court could improve the possession action experience for private landlords, we also wish to seek views on whether there are areas of the possession process which could be improved within the existing county court setting. A flowchart which shows the main stages of the possession process through the county court is available at Annex A.
23. When considering if any changes may be required it is important to note that those changes will apply to all possession matters including social housing and mortgage cases.

QUESTIONS FOR ALL RESPONDENTS

Q1. Have you had experience of possession cases in the county court?

- Yes- *please go to Q2*
- No- *please go to Q6*

Q2. If you answered yes to Q1, was possession sought under section 8 or section 21 of the Housing Act 1988?

- Section 8 process
- Section 21
- Both
- Don't know

¹² Private Landlords Survey 2010, <https://www.gov.uk/government/statistics/private-landlords-survey-2010>

Q3. If you answered yes to Q1, what were your experiences of these cases? Please provide details in the text box below.

Q4. If you answered yes to Q1, are there any particular stages within the possession process where you have experienced delays?

- Yes- *please go to Q5*
- No- *please go to Q6*

Q5. At which stage of the possession action process through the court did you experience delays?

Please tick one or more of the options below, and in the textbox explain what, from your understanding, were the reasons why these delays occurred.

- Landlord claim process
- Court order issued
- Warrant for eviction
- Possession by county court bailiff

Q6: Do you understand how each stage of the possession action process works (a summary of the process is provided at Annex A)?

- Yes- *please go to Q8*
- No- *please go to Q7*

Q7. If you answered no to Question 6, please provide more information on the stage or stages of the possession action processes which you do not understand, and why, in the textbox below.

Q8. Are improvements to the county court possession action processes needed?

- Yes- *please go to Q9*
- No- *please go to Q10 (landlords only) or Part 2 (other respondents)*

Q9. If you answered yes to Q8, what are the main issues at each stage of the current process? Please provide details in the text box below.

a) From application to first Court Hearing date

- Too complex
- Too confusing
- Takes too long
- Other

b) From first Court Hearing date – To obtaining a Possession Order

- Too complex
- Too confusing
- Takes too long
- Other

c) From obtaining a Possession Order – to Enforcement (getting possession of the property)

- Too complex
- Too confusing
- Takes too long
- Other

QUESTION FOR PRIVATE LANDLORDS ONLY

Q10. As a private landlord, how satisfied are you with the time taken to complete possession cases?

- Not satisfied
- Neither satisfied nor dissatisfied
- Fairly satisfied
- Satisfied
- Very satisfied

Please explain your choice in the text box below.

Part 2: Enforcing a possession order

Background

24. If tenants do not leave a property by the date given in a possession order, landlords can apply to a county court to issue a warrant for possession, which will instruct a county court bailiff to take back possession of the property on the landlord's behalf. Landlords may also apply to a county court to have the case transferred to the High Court, where they can apply to issue a writ of possession to instruct a High Court Enforcement Officer to take back possession of the property.
25. As with the enforcement of any civil judgment or order from a court or tribunal, it is the responsibility of the claimant to instigate enforcement proceedings. It appears that the requirement to make an additional application to enforce the possession order is not understood by all landlords; particularly less frequent users of the courts. This could be adding to the time taken for properties to be repossessed.
26. Feedback received from landlord groups suggests that many find that the enforcement process is the stage where they are most likely to experience delay and fewer communications from the court.
27. Concerns have been raised about the waiting times for bailiffs. Landlords may not understand the requirements of them on the day of the eviction or the fact that their tenants may make an additional application to the court to suspend the warrant or writ.
28. To resolve some of these issues, HMCTS are undertaking a Possession project, which is due to start in 2019. Early opportunities have been identified to simplify the process for possession cases, improve engagement between parties and HMCTS and digitise the end to end service for all claims, providing support for users that need it. The shorthold tenancy possession claim process will be made digital. As a first step, administrative processes will be improved, automated and streamlined to make them more efficient and reliable.
29. In this part of the Call for Evidence, we are seeking evidence about user experiences of enforcing possession orders and suggestions for improving the process.

QUESTIONS FOR ALL RESPONDENTS

Q11. Do you have experience of the enforcement stage of a possession order in the county court?

- Yes- *please go to Q12*
- No- *please go to the next section (Access to justice and the experience of court and tribunal users)*

Q12. If you answered yes to Q11, how satisfied were you with the enforcement process in a) the county court (warrant for possession) or b) the High Court (writ of possession).

a) County court enforcement process

- Not satisfied
- Neither satisfied nor dissatisfied
- Fairly satisfied
- Satisfied
- Very satisfied
- I have not experienced the county court enforcement process before

b) High Court enforcement process

- Not satisfied
- Neither satisfied nor dissatisfied
- Fairly satisfied
- Satisfied
- Very satisfied
- I have not experienced the High Court enforcement process before

QUESTIONS FOR PRIVATE LANDLORDS ONLY

Q13. As a private landlord, were you aware of the need to apply for a warrant or writ from the court before a bailiff / High Court Enforcement Officer would be instructed to take possession?

- Yes
- No

Q14. Was there an application to suspend the warrant or writ made in your case?

- Yes- *please go to Q15*
- No- *please go to Q16*

Q15. If you answered yes to Q14, what were your experiences of the timeliness and processing of the application to suspend the warrant or writ? Please explain in the text box below.

Q16. What, if anything, do you think could be improved about the process for enforcing possession orders in:

a) the county court? Please explain in the text box below.

b) the High Court? Please explain in the text box below.

Part 3: Access to justice and the experience of court and tribunal users

Background

30. Housing cases are heard in a variety of settings, most commonly in the county court and the First-tier Tribunal (Property Chamber), but also in the High Court and magistrates' court. Annex B provides a summary of Housing and Property Jurisdictions in the county court and the Property Chamber. The table below provides a summary of volumes and locations of possession and property work within the county court and tribunals.

County court		Residential Property Tribunal	
Volumes	Location	Volumes	Location
<ul style="list-style-type: none"> Section 8 possession (114,000 of which private landlords are involved in 24,000), Accelerated Possession (30,000) Housing Disrepair (n/a) Contract Disputes (n/a) 	<ul style="list-style-type: none"> Cases usually heard in the county court local to the subject property but some cases may proceed in the High Court. undefended Accelerated Possession claims proceed without a hearing. 	<ul style="list-style-type: none"> Residential Property Tribunal (9,000) Upper Tribunal (Land) (500) 	<ul style="list-style-type: none"> 5 regional First-tier Tribunal centres which are both administrative centres and hearing centres. These are in Cambridge, London, Birmingham, Manchester and Havant. Outside of London, cases are heard at the nearest centre.

*data 12 months to June 2018 rounded to the nearest 0.5k.

* n/a = data not available

31. In some instances, claimants need to have hearings in both the county court and the Tribunal to resolve a dispute. A pilot project is currently being conducted to ensure that simultaneous determinations by one single judge are made, for all jurisdictions, either by the court or the Tribunal.

32. We want to explore whether access to justice for owners, landlords and tenants can be improved. We are aware that some users of the courts and tribunals, particularly tenants, but also landlords with fewer properties, find the process daunting and confusing. This was also highlighted by the Ministry of Housing Communities and Local Government Select Committee in their reports into the private rented sector and the Tenant Fees Bill. We want to understand users' experiences of these processes further.

QUESTIONS FOR ALL RESPONDENTS

Q17. Have you had recent experience of property cases in the county court or the tribunal? If yes, please provide details of the types of property cases of which you have had experience in the text box below.

- Yes, I have had experience of county court cases- *please provide further details in the text box below, then go to Q18*
- Yes, I have experience of property tribunal cases-*please provide further details in the text box below, then go to Q20*
- No, I have no experience of county court or property tribunal cases- *please go to Q22*

Q18. From your experience what could be made better or easier in the *court* processes to provide users with better access to justice in housing cases?

Please provide details of the improvements you think need to be made in the text box below:

Q19. How satisfied were you with the average time taken to resolve the *county court* cases you have experienced?

- Not satisfied
- Neither satisfied nor dissatisfied
- Fairly satisfied
- Satisfied

Very satisfied

Please provide further details in the text box below.

Q20. From your experience (*if applicable - please go to Q22 if you have not had experience of the First-tier tribunal*) what could be made better or easier in the *tribunal* processes to provide users with better access to justice in housing cases?

Please provide details of the improvements you think need to be made in the text box below:

Q21. How satisfied were you with the average time taken to resolve the cases you have experienced?

- 1 -Not satisfied
- 2 -Fairly satisfied
- 3 -Satisfied
- 4 - Very satisfied

Please provide further details in the text box below.

Q22. On the whole, the *county court* provide fair access to justice for property cases. Do you agree or disagree with this statement?

- Yes, I agree
- No, I disagree
- Neither agree nor disagree

Please provide reasons for your answer in the text box below.

Q23. On the whole, the *First-tier Tribunal* provides fair access to justice for property cases. Do you agree or disagree with this statement?

- Yes, I agree
- No, I disagree
- Neither agree nor disagree

Please provide reasons for your answer in the text box below.

Part 4: The case for structural changes to the courts and the property tribunal

Background

33. Alongside considerations for a new, specialist Housing Court, we want to explore whether housing cases could be resolved in a different forum more cheaply and with less formality. We also want to gather evidence to consider the options for transferring particular specialist housing cases to the Property Chamber in the First-tier Tribunal from the county court or vice versa.
34. Our considerations are based on four broad policy options. We are seeking your views and opinions on the merits of each option:
- Option 1: Establishing a new, specialist Housing Court.**
We want to gather views on whether all housing issues should continue to be considered under the existing court arrangements (such as the county court and Tribunal) or whether there is merit in bringing all housing issues under a single, specialist Housing Court.
 - Option 2: Making structural changes to the existing courts and property tribunals.**
We want to explore whether housing cases currently considered by either the county court or the Tribunal should continue to be considered by them or whether there is a case for moving certain specialist housing cases (non-possession cases) into the Tribunal or for moving some cases from the Tribunal to the county court.
 - Option 3: Make changes to the enforcement process in the county court (considered in more detail in Part 2 of the call for evidence).**
Most tenants leave the property without the need for a warrant. However, for those cases where a warrant is required, we want to gather views on whether there is a need for more information advising claimants of what they need to do to complete the process. Additionally, we want to understand whether there is a requirement for more information on what the landlord needs to do on the day of eviction, particularly as the enforcement process is not automatic and needs to be applied for.
 - Option 4: No changes ('do nothing' option) but strengthen guidance to help users navigate the court and tribunal process.**
This option would mean that cases would continue to be heard in the county court and Tribunal as at present, but with improved guidance available so that the parties are clear about the procedures involved, as well as their rights and responsibilities.
35. It is important to note that the role of the judiciary, in whichever court or tribunal they sit, is to ensure fairness between the parties where the law allows and this duty will not change in whatever court or tribunal possession cases are heard.

QUESTIONS FOR ALL RESPONDENTS

Q24. Which of the following policy options for reform would be your preference?

- Establish a new, specialist Housing Court
- Make structural changes to the existing courts and property tribunals
- Make changes to the enforcement process in the county court
- No changes ('do nothing' option) but strengthen guidance to help users navigate the court and tribunal process.

QUESTIONS ABOUT A HOUSING COURT

Q25. Do you think there is a case for a specialist Housing Court?

- Yes- *please go to Q26*
- No- *please go to Q28*

Q26. If you answered yes to Q25, what do you think a Housing Court should be able to do? Please give details and evidence in the text box below.

Q27. If you answered yes to Q25, do you think a specialist Housing Court would provide benefits in terms of:

a) a reduction in costs for those bringing cases?

- Yes
- No

b) improved access to justice?

- Yes
- No

c) Easier access for users?

- Yes
- No

d) improvements to the timeliness of property cases (please specify which types of cases in the text box below)

- Yes
- No

Please use the text box below to explain your answers.

QUESTIONS ABOUT STRUCTURAL CHANGE TO THE EXISTING COURTS AND PROPERTY TRIBUNALS

Q28. Do you think there is a need for changes to be made to the types of cases currently considered by the courts and property tribunals?

- Yes- *please go to Q29*
- No- *please go to Q33*

Q29. Do you think there is a need to transfer property cases from the courts to the First-tier Tribunal or vice-versa?

- Yes- *please go to Q31*
- No- *please go to Q30*

Q30. If you answered no to Q29, why do you *not* think there is a case for transferring property cases between the courts and the First-tier Tribunal? Please provide details and evidence in the text box below, then go to Q33.

Q31. If you answered yes to Q29, please indicate, using Annex B as a reference, which types of property and housing cases, if any, you think could be transferred FROM the courts TO the Property Chamber in the First-tier Tribunal? (Tick all that apply)

- Claims for other remedies
- Appeals
- Other Disputes
- Ownership
- I do not want cases to be transferred from the courts to the Property Chamber of the First-tier tribunal

Please use the text box to give further details of what you would consider the benefits to be of transferring these cases, in terms of both judicial processes and

timescales.

Q32. If you answered yes to Q28, please indicate, using Annex B as a reference, which types of property and housing cases, if any, you think could be transferred FROM the Property Chamber of the First-tier Tribunal TO the courts.

- Leasehold
- Housing
- Rents
- Park homes disputes
- Land Registration
- Agricultural land and drainage
- Appeals against decisions made by government regulatory bodies
- I do not want cases to be transferred from the Property Chamber of the First-tier Tribunal to the courts.

Please use the text box to give further details of what you would consider the benefits to be of transferring these cases, in terms of both judicial processes and timescales.

QUESTIONS ABOUT IMPROVED GUIDANCE

Q33. Do you think that further guidance is needed to help users navigate the court and tribunal process? If yes, please provide details on what guidance you think is needed on which parts of the court and tribunal process in the text box below.

- Yes
- No

Q34. Do you consider that any of the structural changes suggested above (options 1, 2 and 3) would impact on people who share a protected characteristic, as defined under the Equalities Act 2010 (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation), differently from people who do not share it? If yes, please provide details.

- Yes
- No

About you

Q35. In which capacity are you completing these questions? (please tick all that apply)

- A tenant
- A landlord
- A homeowner
- On behalf of an organisation
- A member of the judiciary (please state which office you hold in the text box below)
- Other (please specify below)

Q36. If you are replying as a landlord, how many rental properties do you own?

- 1
- 2
- 3
- 4
- 5-9
- 10-24
- 25-100
- More than 100

Q37. If you are replying on behalf of an organisation, which of the following best describes you? Please leave blank if you are answering as an individual.

- Landlord organisation
- Judiciary membership body or organisation
- Property or letting agent
- Advice provider
- Tenant representative body
- Charity dealing with housing issues
- Other (please provide details below)

Q38. Please provide your contact details in case we need to contact you about your responses to these questions

Refer to Annex C for an explanation of your rights and the information you are entitled to under the Data Protection Act 2018. (see also Annex D).

How to respond

36. This **call for evidence will last for 10 weeks and will close on 22 January 2019.**

37. You may respond by completing an online survey at:

<https://www.surveymonkey.co.uk/r/H52PC8P>

38. Alternatively you can email your response to the questions in this call for evidence to:

HousingCourtConsiderations@communities.gov.uk

39. Written responses should be sent to:

Private Rented Sector Division
Ministry of Housing, Communities and Local Government
Third Floor – Fry Building
2 Marsham Street
London
SW1P 4DF

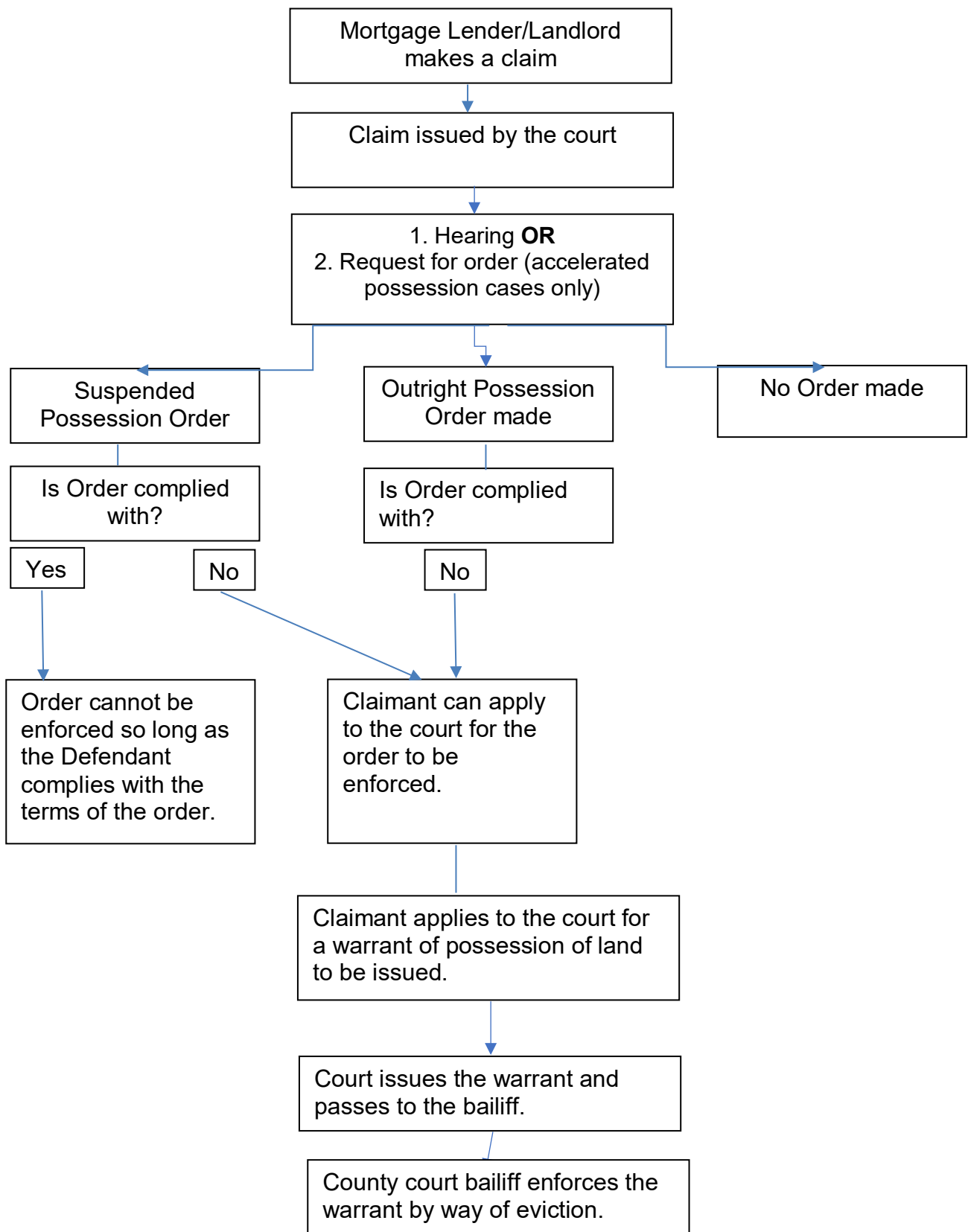
If you are responding in writing, please make it clear which questions you are responding to. It would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name,
- your position (if applicable),
- the name of organisation (if applicable),
- an address (including post-code),
- an email address, and
- a contact telephone number

40. For any enquiries about the Call for Evidence, please contact

HousingCourtConsiderations@communities.gov.uk

Annex A: Overview of the of the main county court process for possession cases



NOTES – The Defendant may make an application to vary, set aside or appeal an order at any time or suspend an eviction following the issue of a warrant.

Annex B: Summary of Housing and Property Jurisdictions in the county court and the Property Chamber

County court

Claims for possession

- By private and social landlords
- By residential mortgage lenders
- By lessors seeking forfeiture from flat owners
- Against squatters

Claims for other remedies

- By landlords/lessors for unpaid rent and/or service charges
- By tenants for damages for disrepair and injunctions
- By tenants in respect of tenancy deposits
- By tenants for damages for unlawful eviction and injunctions

Appeals

- By landlords against civil penalty notices under 'right to rent'
- By homeless people against council decisions on their housing applications

Other Disputes

- Between neighbours about boundaries and rights of way
- Between landlords and their agents (and vice-versa)
- About succession to tenancies
- About breach of tenancy/lease terms
- About action by public authorities on housing-related anti-social behaviour

Ownership

- Trusts
- Disputes about who owns what and in what shares
- Claims to enfranchise leaseholds

*A modest number of housing-related property cases are started in the High Court

Property Chamber

Leasehold

- Service charges and Administration charges
- Appointment of managers and Right to Manage
- Lease variation
- Tenant's breach of covenant
- Enfranchisement valuation and terms

Housing

- Appeals against local authority enforcement notices
- Appeals against financial penalties for housing offences
- Banning orders
- Houses in Multiple Occupation – licencing and management

Rent Repayment Orders
Local authority management orders

Rents

Assessment of market rents
Assessment of fair rent

Park Homes disputes

Private disputes under the Mobile Homes Act
Licencing

Land Registration

Title, beneficial interests and notices
Adverse possession
Boundary disputes

Agricultural Land and Drainage

In addition, the First- tier Tribunal (General Regulatory Chamber) are responsible for handling appeals against decisions made by government regulatory bodies in cases relating to Private Rented Sector Smoke and Carbon Monoxide Alarm regulations, Letting Agents Fee Transparency regulations and Letting Agent Redress Scheme membership regulations.

Annex C: Personal data

The following is to explain your rights and give you the information you are entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the call for evidence.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gsi.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the call for evidence process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

The Data Protection Act 2018 states that, as a Government department, MHCLG may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

3. With whom we will be sharing your personal data

Survey Monkey will collect some data for this call for evidence We have taken all necessary precautions to ensure that your rights in terms of data protection will not be compromised by this.

4. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for two years from the closure of the call for evidence.

5. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

6. The Data you provide directly will be stored by Survey Monkey on their servers in the United States. We have taken all necessary precautions to ensure that your rights in terms of data protection will not be compromised by this.

7. Your personal data will not be used for any automated decision making.

8. Your personal data will be stored in a secure Government IT system. Data provided to Survey Monkey will be moved from there to our internal systems by January 2019.

Annex D: Further information about this Call for Evidence

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this call for evidence including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex C.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

If you have any observations about how we can improve the process please contact us via the [complaints procedure](#).