

Notes for guidance on completing particulars of claim form (rented residential premises)

The following notes are a step by step guide to completing form N119. They tell you what information is needed for each of the numbered paragraphs in the form.

1. Give the full address of the premises of which you are seeking possession.
2. Name each person, to the best of your knowledge, in possession of the premises.

About the tenancy

3. (a) State the type of the tenancy (e.g. assured, assured shorthold) and when it began.
(b) Give details of how much the agreed rent is and when it is payable.
(c) Give the daily rate at which rent is charged.
4. (a) If you are claiming possession because the rent has not been paid, set out details of how much rent is outstanding up to the time the claim is issued, including a rent statement showing how the arrears arose. You must give sufficient detail to support your claim for possession. Set out the details in accordance with Paragraph 2.3 of Practice Direction accompanying Part 55 of the Civil Procedure Rules i.e. rent arrears history of 2 years preceding date of issue or

first date of default if less than 2 years. If a longer history is relied on, this should be stated in particulars of claim and the history exhibited to a witness statement.

- (b) If you are claiming possession on the grounds of rent arrears only, delete this paragraph. Give details if the defendant has failed to comply with any other terms of the tenancy agreement.
- (c) Complete this paragraph if you are claiming possession on a ground other than rent arrears or breach of tenancy. Otherwise delete it.
5. Give full details of steps taken to recover any arrears. If there have been previous court proceedings, give the date they were started and concluded and the terms of any order(s) made.
6. Give the date the notice to quit, notice of breach of lease, or notice seeking possession was given to the defendant. Delete the words in brackets to show which type of notice was served.

If you are a local authority on housing action trust and are claiming possession of premises let on a demoted tenancy, you must attach to the particulars of claim a copy of the notice of proceedings under Section 143E of the Housing Act 1996.

About the defendant

7. Give what details you know of the defendant's financial and other circumstances. Say in particular whether:

- housing benefit is being paid to you or to the defendant;
- deductions are being made from the defendant's benefits, towards the arrears. If so, say how much.

About the claimant

8. Delete this paragraph if you do not wish to give details of your financial and other circumstances to support the claim for possession.

Forfeiture

9. (a) Delete this paragraph if there is no underlessee or mortgagee.
- (b) If there is, give that person's name and address and file, in court, an additional copy of the particulars of claim for service on that person.

What the court is being asked to do

10. Delete paragraphs (a) to (d) as appropriate.
11. Tick as appropriate.

Demotion/Suspension claim

If you are claiming demotion of tenancy or an order suspending the right to buy in the alternative to possession, you must complete paragraphs 12-15

12. Specify under which section the claim is made.

13. Indicate whether you are a local authority, housing action trust, registered social landlord or a private provider of social housing, or if appropriate (in the case of suspension claims only) other category of landlord.

14. If you served on the tenant a statement of express terms of the tenancy which are to apply to a demoted tenancy, you must set out the details

15. State details of the conduct alleged and any other matters relied upon.

Statement of truth

- This must be signed by you, by your solicitor or your litigation friend, as appropriate. Where the claimant is a registered company or a corporation the claim form must be signed by either a director, treasurer, secretary, chief executive, manager or other officer of the company or (in the case of a corporation) the mayor, chairman, president or town clerk.
- Proceedings for contempt of court may be brought against any person who signs a statement of truth without an honest belief in its truth.