

Defence form

(accelerated possession procedure)
(assured shorthold tenancy) where the
property is located wholly or partly in England

To the Defendant

Please read the claim form and all papers delivered with it before completing this form.

Some of the questions in this form refer to numbered sections in the claim form. You will find it helpful to have that open as you answer them.

If you cannot give exact dates, make it clear that the dates given are approximate.

In all cases you must complete and sign the statement of truth.

Please write clearly and in black ink. If there is not enough room for an answer, continue on the last page.

Name of court

Grangetown County Court

Claim no.

5RK563241

Name of claimant (including any reference)

John Smith

Name of defendant (including any reference)

Abdul Karim

The Tenancy Agreement

1. Are you the tenant or one of the tenants named in the tenancy agreement, marked 'A' (or 'A1', 'A2' etc), attached to the claim form or (if more than one is attached) the most recent of those tenancy agreements?

Yes

No

Does that tenancy agreement set out the present terms of your tenancy?

Yes

No – say what terms have changed and what the changes are

2. Do you agree the date, in section 6 of the claim form, when the claimant says the tenancy began?

Yes

No, the tenancy began on

Day

Month

Year

3. Do you agree with what is said in section 9a–9g of the claim form?

Yes

No – say why you disagree with any of the statements made:

The s.21 Notice

4. Did you receive the notice (a copy of which is attached to the claim form and marked 'B') and, if so, when?

Yes, please give date

Day

Month

Year

No

Don't know

5. Do you agree with the rest of what is said in section 10 of the claim form about the s.21 Notice?

Yes

No – what do you disagree with and why?

Licensed properties: Houses in Multiple Occupation and Selective Licensing

6. Do you agree that what is said in section 11 of the claim form about licensing of the property is correct?

Yes

No – what do you disagree with and why?

The Tenancy Deposit

7. Do you agree that what is said in section 12 of the claim form, about whether a deposit was paid, is correct?

Yes

No – what do you disagree with and why?

8. Do you agree that what is said in section 13 of the claim form (about the deposit being returned) is correct?

Yes

No – what do you disagree with and why?

9. Do you agree that what is said in section 14 of the claim form (about receiving the prescribed information) is correct?

Yes

No – what do you disagree with and why?

I was not given the prescribed information in relation to the deposit and the operation of the TDS. As such the s.21 notice that I have been served is not valid under s.215 of Housing Act 2004.

Retaliatory eviction, energy performance certificate, gas safety records and 'How to Rent'

10. Do you agree that what is said in section 15 of the claim form (about any complaint to the Local Authority about the condition of the property) is correct?

Yes

No – what do you disagree with and why?

11. Did you receive the energy performance certificate referred to in section 16 of the claim form, (a copy of which is attached to the claim form and marked 'F')?

Yes, please give date

| Day | Month | Year |
|---------------------------------|---------------------------------|-----------------------------------|
| <input type="text" value="12"/> | <input type="text" value="12"/> | <input type="text" value="2019"/> |

No

Don't know

12. Do you agree that what is said in section 17 of the claim form (about whether there are gas fittings in or serving the property) is correct?

Yes

No – what do you disagree with and why?

13. Did you receive the gas safety record(s) referred to in section 17a and section 17b of the claim form, (a copy of which is attached to the claim form and marked 'G', 'G1', 'G2' etc')?

Yes, please give the date when you received the first record

| Day | Month | Year |
|---------------------------------|---------------------------------|-----------------------------------|
| <input type="text" value="12"/> | <input type="text" value="12"/> | <input type="text" value="2019"/> |

Please give the date(s) when you received any further records.

No

Don't know

14. Do you agree that what is said in section 17c of the claim form (about any notice being displayed in the premises) is correct?

Yes

No – what do you disagree with and why?

15. Do you agree with the Claimant's answer to section 18?

Yes

No

16. Do you agree with the Claimant's answer to section 18a?

- Yes
 No
 Not applicable

17. If the Claimant has completed section 18b–18d, have you received the document 'How to Rent' marked 'H'?

Yes, please give the date when you received it

| Day | Month | Year |
|---------------------------------|---------------------------------|-----------------------------------|
| <input type="text" value="12"/> | <input type="text" value="12"/> | <input type="text" value="2019"/> |

This document was

- A paper copy
 An email – (with your prior agreement)

- No
 Don't know

Prohibited payments and holding deposits

18. Did you make any payment to the Landlord before entering into the tenancy agreement other than rent or a deposit?

Yes, what was the payment for?

No

19a. If you have answered Yes to question 18, has the money been repaid in full?

Yes, it was repaid on

| | | |
|----------------------|----------------------|----------------------|
| Day | Month | Year |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

No, in which case have you agreed to that money (or any part of it which has not been repaid to you) being used for rent or a deposit?

Yes, it was agreed on

| | | |
|----------------------|----------------------|----------------------|
| Day | Month | Year |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

No

Other information

20. If there is some other reason, not covered above, why you say the claimant is not entitled to recover possession of the property, please explain it here.

I wish to defend the case on the basis that my landlord is only evicting me because I helped my neighbour with his claim against my landlord for race discrimination.

I acted as a witness for my neighbour and as soon as I did that I received a s.21 notice. This is victimisation and is unlawful under s.27 Equality Act 2010 (see Additional Information page for more detail.)

Postponement of possession

21. Are you asking the court, if it makes a possession order, to allow you longer than 14 days to leave the property because you would suffer exceptional hardship?

- Yes, please explain why the hardship you would suffer would be exceptional.

I will struggle to find another property that is suitable for me as I have a low income and there aren't many properties that are affordable. I have nowhere else to go.

Say how long you wish to be allowed to remain in the property.

I wish to stay in the property until

Day

26

Month

8

Year

2021

Note – The court cannot allow more than 42 days after the order is made.

- No

Payment of costs

22. If the court orders you to give possession, do you agree that you should be ordered to pay the claimant's costs?

- Yes

- No, what do you disagree with and why?

Because the only reason I am being evicted is because I supported my neighbour in bringing a claim against our mutual landlord.

23. If the court orders you to pay the claimant's costs, do you ask it to allow you more than 14 days to pay?

- Yes, give details of your means
(continue on last page if necessary)

I am in receipt of Employment and Support Allowance and am already struggling with my finances so won't be able to pay any costs off within 14 days. If I am ordered to pay costs I can afford to pay £5 per week

No

Statement of Truth

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

- I **believe** that the facts stated in this defence and any continuation sheets are true.
- The Defendant(s)** believe(s) that the facts stated in this defence and any continuation sheets are true. **I am authorised** by the Defendant(s) to sign this statement.

Signature

A. Karim

- Defendant
- Litigation friend (where Defendant is a child or a protected party)
- Defendant's legal representative (as defined by CPR 2.3(1))

Date

| Day | Month | Year |
|-----|-------|------|
| 15 | 7 | 2021 |

Defendant's date of birth

| Day | Month | Year |
|-----|-------|------|
| 1 | 4 | 1965 |

Full name

Abdul Karim

Name of defendant's legal representative's firm

N/A

If signing on behalf of firm or company, give position or office held

N/A

Defendant's or defendant's solicitor's address to which documents should be sent

Building and street

[4 Town Street

Second line of address

Town or city

[Freetown

County (optional)

[Derbyshire

Postcode

| | | | | | | |
|---|---|---|---|---|---|---|
| D | E | 3 | 3 | 5 | A | H |
|---|---|---|---|---|---|---|

If applicable

Ref. no.

[N/A

DX no.

[N/A

Email

[abdul.karim@noemail.com

Phone no.

[01345 123456

Additional Information

Claim no.

Include the number of the section which is being continued or to which the information relates.

5RK563241

I am the tenant of the above property. I wish to defend this claim on the basis that:

1. the section 21 notice that I have received is not valid because I have not served any perscribed information as required by s.213 of Housing Act 2004. This means that under s.215 of Housing Act 2004 no s.21 notice can be given whilst my landlord is in breach of their obligations;
2. it is victimisation under section 27 Equality Act 2010 because my landlord is only evicting me because I have helped my neighbour by acting as a witness in his claim against our mutual landlord for race discrimination.

I bring my claim under s.27 and s.35 of the Equality Act 2010.

I acted for my friend as a witness in his recent case for race dsicrimination - this is a protected act under s.27. My firends case was under claim number 5GH56789 which was dealt with at Grangetown County Court on 29th August 2020. Please see my attached witness statement and also a letter from my friend's solicitor which confirms that I was due to attend the hearing as a witness.

After the hearing my landlord wasn't very happy and he said he felt let down by me and then the next day I received a notice. I've been a good tenant and haven't had any problems before. The only reason that I was served the notice was because I had witnessed the racial abuse that my friend suffered and I felt I had to support my friend with his case as I knew it was wrong.

Signature

A. Karim

If necessary, continue on a separate sheet, remembering to sign and date it and heading it with the Claim number

Date

Day

15

Month

7

Year

2021